MADRAS RECORD OFFICE.

LEGAL DEPARTMENT

PROCEEDINGS

OF

THE MADRAS GOVERNMENT

FOR THE

FIRST QUARTER ENDING 31ST MARCH 1938.

Government of Madras

LEGAL DEPARTMENT

INDEX

FOR THE FIRST QUARTER ENDING 31ST MARCH 1938.

ACTS.

Madras Acts IX to XV of 1937 and connected papers—Copies forwarded to the Under Secretary of State for India. February 3, No. 20 (Ms.).

Madras Agriculturists Relief Act, 1938—Publication ordered as Madras Act IV of 1938. March 22, No. 58 (P.).

Madras City Municipal (Amendment) Act, 1938—Publication ordered as Madras Act I of 1938. February 15, No. 26 (P.).

Madras City Municipal (Amendment) Act, 1938 (Madras Act I of 1938)—Copies of the Act forwarded to the Government of India, after publication in the Gazette. March 10, Nos. 46–47 (Ms.).

Madras City Municipal, District Municipalities and Local Boards (Amendment) Act, 1938—Publication ordered as Madras Act II of 1938. February 15, No. 27 (P.).

Madras City Municipal, District Municipalities and Local Boards (Amendment) Act, 1938 (Madras Act II of 1938)—Copies of the Act forwarded to the Government of India, after publication in the gazette. March 10, Nos. 48–49 (Ms.).

Madras Motor Vehicles Taxation (Amendment) Act, 1938—Publication ordered as Madras Act III of 1938. March 19, No. 56 (P.).

Madras Payment of Salaries and Removal of Disqualifications Act, 1937 (Madras Act IX of 1937)—Secretary of State's despatch—Recorded. March 26, No. 70 (Ms.).

Madras Revenue Recovery and City Land-Revenue (Amendment) Act, 1937 (Madras Act XIV of 1937)—Secretary of State's despatch—Recorded. March 26, No. 69 (Ms.).

Madras Traffic Control Act, 1938—Publication ordered as Madras Act V of 1938. March 29, No. 71 (P.).

BILL.

India Bill—Indian Railways (Amendment) Bill, 1937—Publication in the languages of the Province—Ordered. March 24, No. 64 (Ms.).

Madras Agriculturists Relief Bill—Introduced in the Assembly on the 20th December 1937 as Legislative Assembly Bill No. 10 of 1937 and referred to a Joint Select Committee of the Assembly and Council on the 21st December 1937—Report to the Government of India. January 5, Nos. 1–2 (Ms.).

Madras Agriculturists Relief Bill (L.A. Bill No. 10 of 1937)—Report of the Joint Select Committee forwarded to the Government of India. January 31, Nos. 17–18 (Ms.).

Madras City Municipal (Amendment) Bill, 1938—Publication ordered under the proviso to rule 73 of the Madras Assembly/Council Rules. January 20, No. 7 (P.).

Madras City Municipal (Amendment) Bill, 1938—Copies of the Bill forwarded to the Government of India after publication in the Gazette. January 25, Nos. 10–11 (Ms.).

Madras City Municipal (Amendment) Bill, 1938—Introduced in the Assembly on 1st February 1938 and passed on the same date—Report to the Government of India. February 5, Nos. 21–22 (Ms.).

Madras City Municipal, District Municipalities and Local Boards (Amendment) Bill, 1938—Publication ordered under the proviso to rule 73 of the Madras Assembly/Council Rules. January 20, No. 8 (P.).

BILL—*cont.*

Madras City Municipal, District Municipalities and Local Boards (Amendment) Bill, 1938—Copies of the Bill forwarded to the Government of India after publication in the Gazette. January 25, Nos. 12–13 (Ms.).

Madras City Municipal, District Municipalities and Local Boards (Amendment) Bill, 1938—Introduced in the Assembly on 1st February 1938 and passed on the same date—Report to the Government of India. February 5, Nos. 23–24 (Ms.).

Madras Hindu Temple Entry Disabilities Removal Bill, by Mr. M. C. Rajah, M.L.A.—Request for publication before introduction—Papers recorded. March 23, No. 60 (Ms.) (Confdl.).

Madras Motor Vehicles Taxation (Amendment) Bill, 1937—Introduced in the Assembly and passed on 1st March 1938—Report to the Government of India. March 3, Nos. 38–39 (Ms.).

Madras Suppression of Immoral Traffic (Amendment) Bill, 1938—Publication ordered under the proviso to rule 73 of the Madras Assembly/Council Rules. March 4, No. 42 (Ms.).

Madras Suppression of Immoral Traffic (Amendment) Bill, 1938—Copies of the Bill forwarded to the Government of India after publication in the Gazette. March 14, Nos. 52–53 (Ms.).

Madras Suppression of Immoral Traffic (Amendment) Bill, 1938—Introduced in the Council and referred to a Select Committee on 22nd March 1938—Report to the Government of India. March 24, Nos. 61–62 (Ms.).

Madras Suppression of Immoral Traffic (Amendment) Bill, 1938 (L.C. Bill No. 1 of 1938)—Report of the Select Committee forwarded to Government of India. March 25, Nos. 66–67 (Ms.).

Madras Traffic Control Bill, 1938—Publication ordered under the proviso to rule 73 of the Madras Assembly Rules. February 18, No. 28 (P.).

Madras Traffic Control Bill, 1938—Published in the Gazette on 22nd February 1938—Introduced in the Assembly and referred to a Select Committee on 1st March 1938—Report to the Government of India. March 2, Nos. 36–37 (Ms.).

Madras Traffic Control Bill, 1938 (Legislative Assembly Bill No. 4 of 1938)—Report of the Select Committee forwarded to the Government of India. March 4, Nos. 40–41 (Ms.).

Madras Tolls and Motor Vehicles Taxation (Amendment) Bill, 1938—Publication ordered under the proviso to rule 73 of the Madras Assembly Rules. March 5, No. 43 (Ms.).

Madras Tolls and Motor Vehicles Taxation (Amendment) Bill, 1938—Copies of the Bill forwarded to the Government of India after publication in the Gazette. March 14, Nos. 54–55 (Ms.).

Madras Tolls and Motor Vehicles Taxation (Amendment) Bill, 1938—Introduced in the Assembly and passed on 29th March 1938—Report to the Government of India. March 31, Nos. 72–73 (Ms.).

BILLS OF THE PROVINCIAL LEGISLATURE.

Instructions regarding submission to His Excellency the Governor for assent—Recorded. March 25, No. 65 (Ms.).

BOOKS AND PUBLICATIONS.

Certain Madras Acts—Supply to the Reforms Office, Government of India, free of cost—Sanctioned. January 26, No. 14 (Ms.).

Index to the Government of India Act, 1935—Printing and distribution—Papers recorded. March 23, No. 59 (Ms.).

Madras Agriculturists Relief Bill as passed by the Legislature—Printing of copies for sale, in English and in the languages of the Province—Sanctioned. February 11, No. 25 (Ms.).

Madras Government Roads Traffic Control Act, 1931 (Madras Act V of 1931)—Reprint in English as modified up to the 21st December 1937—Sanctioned. January 25, No. 9 (Ms.).

Madras Maternity Benefit Act, 1934 (Madras Act VI of 1935)—Reprint in Telugu as modified up to 25th November 1937—Sanctioned. February 25, No. 30 (Ms.).

BOOKS AND PUBLICATIONS—*cont.*

Madras Prohibition Act, 1937 (Madras Act X of 1937)—Reprint in Tamil—Sanctioned. March 11, No. 50 (Ms.).

Madras Traffic Control Bill, 1938, as passed by the Legislature—Printing of copies in English for sale—Sanctioned. March 21, No. 57 (Ms.).

FORMS.

Special—Legal Department—Standardization. January 6, No. 4 (Ms.).

LEGAL ASSISTANCE.

Chakravarthi, M.R.Ry. A.—O.S. No. 167 of 1937 on the file of the District Munsif, Kumbakonam—Filing of revision petition—Negatived. January 6, No. 3 (Ms.).

C.M.P. No. 2231 of 1936 on the file of the High Court—Costs awarded—Waiver of recovery—Ordered. March 26, No. 68 (Ms.).

C.M.P. No. 3615 of 1937 on the file of the High Court, Madras—Government Pleader's fee—Sanctioned. March 2, No. 34 (Ms.).

Forest guard, Sheik Muhammad Kassim Sahib—Costs of defence in a criminal case—Sanctioned. March 2, No. 35 (Ms.).

Gopalachari, M.R.Ry. P., Sub-Inspector of Excise—Costs of defence in a criminal case—Sanctioned. March 1, No. 33 (Ms.).

Ignatius, Mr. P. D., acting Sub-Registrar—Conduct of prosecution filed by him—Expenses—Sanctioned. February 25, No. 31 (Ms.).

Krishnan, M.R.Ry. N. P., Sub-Registrar—Costs incurred in the conduct of a criminal case—Sanctioned. January 7, No. 5 (Ms.).

Krishnaswami Ayyar, M.R.Ry. V. S., retired Sub-Inspector of Police—S.C. No. 20 of 1930 on the file of the Court of Session, South Arcot, and C.A. Nos. 298 and 497 of 1930 on the file of the High Court—Expenses—Reimbursement—Sanctioned. March 1, No. 32 (Ms.).

Lakshmana Ayyar, T. K., amin, District Court, Calicut—Costs of defence in a criminal case—Not sanctioned. March 12, No. 51 (Ms.).

Manager, Aziznagar settlement—S.C. No. 1128 of 1936, on the file of the District Munsif, Cuddalore—Costs of defence—Sanctioned. March 7, No. 44 (Ms.).

Muhammad, Mr. K. V., Inspector of Police, Cannanore—Filing of memorandum of cross-objections by the Public Prosecutor, Malabar—Approved. January 31, No. 19 (Ms.).

O.S. No. 908 of 1936 on the file of the District Munsif, Calicut—Inspector of Municipal Councils and Local Boards—Defence—Fees to Government Pleader—Sanctioned. March 24, No. 63 (Ms.).

Public officers (other than Police officers)—Rules—Addition of a note summarising the orders already issued by departments concerned delegating powers of sanctioning defence to heads of departments—Ordered. February 22, No. 29 (Ms.).

Venkataswami Nayudu—Police constable No. 550, Trichinopoly district—O.S. No. 413 of 1937 on the file of the District Munsif's Court, Trichinopoly—Defence in common with M.R.Ry. G. Gopala Acharya Avargal, Assistant Engineer—Sanctioned. January 28, No. 15 (Ms.).

PREVIOUS SANCTION.

Bill to amend the Code of Criminal Procedure, 1898, by Mr. M. C. Rajah, M.L.A.—Papers recorded. March 9, No. 45 (Ms.).

Bill to define and protect the rights and privileges of members of Registered Trade Unions operating within the Province of Madras, by Mr. G. Krishnamurti, M.L.A.—Papers recorded. January 18, No. 6 (Ms.).

SUITS.

O.S. No. 413 of 1937 on the file of the District Munsif's Court, Trichinopoly—Province of Madras—Defence—Sanctioned. January 19, No. 16 (Ms.).

Government of Madras

LEGAL DEPARTMENT

G.O. No. 7, 20th January 1938

Bill—Madras City Municipal (Amendment) Bill, 1938—Publication ordered under the proviso to rule 73 of the Madras $\frac{\text{Assembly}}{\text{Council}}$ Rules.

Order—No. 7, Legal, dated 20th January 1938.

The order of His Excellency the Governor directing the publication of the Madras City Municipal (Amendment) Bill, 1938, is annexed to these proceedings.

2. The Bill, with the statement of objects and reasons, will be published in the *Fort St. George Gazette*, in English and in the Tamil, Telugu and Hindustani languages.

3. The Hon'ble Mr. B. Gopala Reddi will be in charge of the Bill.

(By order of His Excellency the Governor)

P. Appu Nair,
Secretary to Government.

To the Superintendent, Government Press.
,, Senior Translator to Government.
,, Education and Public Health Department.
,, Local Administration Department.
,, Secretary, Madras Legislature.
,, Governor's Secretary.

[Annexure.

ANNEXURE.

Order of His Excellency the Governor.

Under the proviso to rule 73 of the Madras $\frac{\text{Assembly}}{\text{Council}}$ Rules, His Excellency the Governor directs the publication of the Madras City Municipal (Amendment) Bill, 1938, with the statement of objects and reasons.

APPENDIX.

Bill to be introduced in the Leislative $\frac{\text{Assembly}}{\text{Council}}$ of the Province of Madras.

Under the proviso to rule 73 of the Madras $\frac{\text{Assembly}}{\text{Council}}$ Rules, the following Bill, together with the statement of objects and reasons, is published for general information :—

A Bill further to amend the Madras City Municipal Act, 1919, *for certain purposes.*

Madras Act IV of 1919.

WHEREAS it is expedient further to amend the Madras City Municipal Act, 1919, for the purposes hereinafter appearing; It is hereby enacted as follows :—

Short title.

1. This Act may be called the Madras City Municipal (Amendment) Act, 1938.

Amendment of section 85 Madras Act IV of 1919.

2. In sub-section (1) of section 85 of the Madras City Municipal Act, 1919—

(i) in the opening paragraph, after the words " who shall be heads of departments working under the Commissioner " the following sentence shall be added, namely :—

" The salary and allowances attaching to every such appointment shall be fixed by the Council subject to the sanction of the Provincial Government, and shall not be varied without the like sanction." ;

(ii) in clause (*b*) of the proviso, the words " shall not be less than five hundred rupees and " shall be omitted;

(iii) in clause (*c*) of the proviso, the words " shall not be less than four hundred rupees and " shall be omitted; and

(iv) in clause (*d*) of the proviso, the words " shall not be less than two hundred and fifty rupees and " shall be omitted.

STATEMENT OF OBJECTS AND REASONS.

The proviso to section 85 (1) of the Madras City Municipal Act, 1919 (Madras Act IV of 1919), fixes the minimum and maximum salaries of the following officers of the Corporation of Madras, viz., the Health Officer, the Engineer, the Electrical Engineer, the Revenue Officer, the Water-works Engineer and the Educational Officer. The Corporation has requested Government to delete the provision fixing a minimum salary for these officers and allow it freedom to fix their salaries at such sums as may be found desirable from time to time. The object of the Bill is to give effect to this resolution. It is proposed to omit the minimum limits of salaries fixed by the existing Act and to give power to the Corporation to fix, and vary from time to time, the salaries and allowances of the officers referred to in section 85 (1), subject to the sanction of the Government.

B. GOPALA REDDI.

Government of Madras

LEGAL DEPARTMENT.

G.O. No. 8, 20th January 1938

Bill—Madras City Municipal, District Municipalities and Local Boards (Amendment) Bill, 1938—Publication ordered under the proviso to rule 73 of the Madras Assembly/Council Rules.

Order—No. 8, Legal, dated 20th January 1938.

The order of His Excellency the Governor directing the publication of the Madras City Municipal, District Municipalities and Local Boards (Amendment) Bill, 1938, is annexed to these proceedings.

2. The Bill, with the Statement of Objects and Reasons, will be published in the *Fort St. George Gazette* in English and in the Tamil, Telugu, Malayalam, Kanarese and Hindustani languages.

3. The Honourable Mr. B. Gopala Reddi will be in charge of the Bill.

(By order of His Excellency the Governor)

P. Appu Nair,
Secretary to Government.

To the Superintendent, Government Press.
,, Senior Translator to Government.
,, Education and Public Health Department.
,, Local Administration Department.
,, Secretary, Madras Legislature.
,, Governor's Secretary.

[Annexure.

ANNEXURE

Order of His Excellency the Governor.

Under the proviso to rule 73 of the Madras $\frac{\text{Assembly}}{\text{Council}}$ Rules, His Excellency the Governor directs the publication of the Madras City Municipal, District Municipalities and Local Boards (Amendment) Bill, 1938, with the Statement of Objects and Reasons.

APPENDIX.

Bill to be introduced in the Legislative $\frac{\text{Assembly}}{\text{Council}}$ of the Province of Madras.

Under the proviso to rule 73 of the Madras $\frac{\text{Assembly}}{\text{Council}}$ Rules, the following Bill, together with the Statement of Objects and Reasons, is published for general information :—

A Bill further to amend the Madras City Municipal Act, 1919, *the Madras District Municipalities Act,* 1920, *and the Madras Local Boards Act,* 1920, *for certain purposes.*

WHEREAS it is expedient further to amend the Madras City Municipal Act, 1919, the Madras District Municipalities Act, 1920, and the Madras Local Boards Act, 1920, for the purposes hereinafter appearing; It is hereby enacted as follows :— Madras Act IV of 1919. Madras Act V of 1920. Madras Act XIV of 1920.

Short title. **1.** This Act may be called the Madras City Municipal, District Municipalities, and Local Boards (Amendment) Act, 1938.

Amendment of Madras Act IV of 1919. **2.** In the Madras City Municipal Act, 1919, the following amendments shall be made, namely :— Madras Act IV of 1919.

(1) In section 3—

(i) clause (1) shall be omitted and clause (1-A) shall be renumbered as clause (1); and

(ii) after clause (25-A), the following clause shall be inserted, namely :—

'Scheduled castes.' "(25-B) 'Scheduled castes' shall have the same meaning as in the Government of India (Scheduled Castes) Order, 1936, as in force for the time being, in regard to the City of Madras."

(2) In sections 5 (1) (*a*), 45 (2) (*a*) and (*b*) and 46 (1), for the word " Adi-Dravidas " wherever it occurs, the words " members of the scheduled castes " shall be substituted.

(3) In section 46 (2), for the words " an Adi-Dravida ", the words " a member of the scheduled castes " shall be substituted.

(4) In section 46-A, for the word " Adi-Dravidas ", the words " members of the scheduled castes ", for the words " Adi-Dravida electors " in both the places where they occur, the words " electors of such castes ", and for the words " an Adi-Dravida ", the words " a member of any such caste " shall be substituted.

BOOKS AND PUBLICATIONS—*cont.*

Madras Prohibition Act, 1937 (Madras Act X of 1937)—Reprint in Tamil—Sanctioned. March 11, No. 50 (Ms.).

Madras Traffic Control Bill, 1938, as passed by the Legislature—Printing of copies in English for sale—Sanctioned. March 21, No. 57 (Ms.).

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Special—Legal Department—Standardization. January 6, No. 4 (Ms.).

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Lakshmana Ayyar, T. K., amin, District Court, Calicut—Costs of defence in a criminal case—Not sanctioned. March 12, No. 51 (Ms.).

Manager, Aziznagar settlement—S.C. No. 1128 of 1936, on the file of the District Munsif, Cuddalore—Costs of defence—Sanctioned. March 7, No. 44 (Ms.).

Muhammad, Mr. K. V., Inspector of Police, Cannanore—Filing of memorandum of cross-objections by the Public Prosecutor, Malabar—Approved. January 31, No. 19 (Ms.).

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Public officers (other than Police officers)—Rules—Addition of a note summarising the orders already issued by departments concerned delegating powers of sanctioning defence to heads of departments—Ordered. February 22, No. 29 (Ms.).

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PREVIOUS SANCTION.

Bill to amend the Code of Criminal Procedure, 1898, by Mr. M. C. Rajah, M.L.A.—Papers recorded. March 9, No. 45 (Ms.).

Bill to define and protect the rights and privileges of members of Registered Trade Unions operating within the Province of Madras, by Mr. G. Krishnamurti, M.L.A.—Papers recorded. January 18, No. 6 (Ms.).

SUITS.

O.S. No. 413 of 1937 on the file of the District Munsif's Court, Trichinopoly—Province of Madras—Defence—Sanctioned. January 19, No. 16 (Ms.).

have been published as provided in the Government of India Act, 1935, and the rules made thereunder, or as soon as may be after any revision of such electoral rolls has been completed and the alterations consequent on such revision have been published as aforesaid, as the case may be, the Commissioner shall, for the purposes of this Act, prepare and publish in such manner as the Provincial Government may direct, the portions of the said electoral rolls or of the alterations thereto which relate to each of the forty divisions referred to in sub-section (1) of section 45 and to each of the labour electorates referred to in section 46-B.

(2) Where after the electoral rolls for the forty divisions aforesaid or any alterations to such rolls have been published under sub-section (1), the boundaries of any such divisions are altered, the Commissioner shall, in order to give effect to such alteration of boundaries, re-arrange and republish in such manner as the Provincial Government may direct, the electoral rolls for each of the divisions concerned.

(3) The electoral roll for any division or for any labour electorate referred to in section 46-B published under sub-section (1), as revised by any alterations thereto subsequently published under that sub-section or under sub-section (2), shall remain in force until the publication under sub-section (1) of a fresh electoral roll for that division or labour electorate.

(4) Every person whose name appears in the electoral roll for any division or for any labour electorate referred to in section 46-B, as so revised, shall, so long as such roll remains in force, be entitled, subject to the provisions of this Act, to vote at an election for the division or by the labour electorate concerned, and no person whose name does not appear in such roll shall vote at such an election.

Names of electors belonging to the Scheduled castes to be distinguished from the rest.

49. In the electoral roll for each of the divisions notified by the Provincial Government under sub-section (2) of section 45 as the divisions in which seats shall be reserved for members of the scheduled castes, the names of the electors belonging to such castes shall be shown separately or be distinguished from the names of the other electors in such manner as the Provincial Government may direct."

(6) In section 51 (1) (*b*), for the word "Adi-Dravidas", the words "members of the scheduled castes" and for the words "an Adi-Dravida", the words "a member of any such caste" shall be substituted.

(7) In section 51 (1) (*c*), for the words " labour constituency ", the words " labour electorate " and for the words " constituencies for labour ", the words " labour electorates " shall be substituted.

(8) In section 51 (1) (*d*), for the words " constituencies for labour ", the words " labour electorates " and for the words " member possessing the residential qualification under section 49-A of any of the bodies referred to in clauses (*b*), (*c*), (*d*) and (*g*) of sub-section (1) of section 5 ", the words " member of any of the bodies referred to in clauses (*b*), (*c*), (*d*) and (*g*) of sub-section (1) of section 5 who has resided in the City for ninety days in the aggregate in the year preceding that in which the election is held " shall be substituted.

(9) In section 59 (2), clause (*a*) and the words " relating to electoral rolls or " in clause (*b*) shall be omitted and for the word " Adi-Dravidas " in the second proviso to clause (*c*), the words " members of the scheduled castes " shall be substituted.

Madras Act V of 1920.

Amendment of Madras Act V of 1920.

3. In the Madras District Municipalities Act, 1920, the following amendments shall be made, namely :—

(1) In section 3—

(i) clause (1) shall be omitted and clause (1-A) shall be renumbered as clause (1); and

(ii) after clause (28), the following clause shall be inserted, namely :—

'Scheduled castes.'

" (28-A) ' Scheduled castes ' shall have the same meaning as in the Government of India (Scheduled Castes) Order, 1936, as in force for the time being, in regard to the municipality concerned."

(2) In section 7 (3) (*c*), for the word " Adi-Dravidas ", the words " Members of the scheduled castes " shall be substituted.

(3) For sections 44 and 45, the following section shall be substituted, namely :—

Qualifications for inclusion in electoral roll for municipality and publication thereof.

" 44. (1) Every person whose name is included in that part of the electoral roll for any territorial constituency of the Madras Legislative Assembly, which relates to the municipality or any portion thereof, shall be entitled to be included in the electoral roll for the municipality prepared for the purposes of this Act, and no other person shall be entitled to be included in such roll.

Explanation (1).—Where in the case of any territorial constituency of the Madras Legislative Assembly, there is no distinct part of the electoral roll relating to the municipality, the names of all persons who are entered in such roll under the registration area comprising the municipality

and whose addresses as entered in such roll are situated in the municipality shall be entitled to be included in the electoral roll for the municipality prepared for the purposes of this Act.

Explanation (2).—No person's name shall be included in the electoral roll for the municipality in more than one place.

(2) As soon as may be after the electoral rolls for the territorial constituencies of the Madras Legislative Assembly which consist of, or comprise, the municipality or any portion thereof, have been published as provided in the Government of India Act, 1935, and the rules made thereunder, or as soon as may be after any revision of such electoral rolls has been completed and the alterations consequent on such revision have been published as aforesaid, as the case may be, any person authorized by the election authority in this behalf shall publish in such manner as the Provincial Government may direct, the portions of the said electoral rolls or of the alterations therein which relate to the municipality, as the electoral roll for the municipality or as alterations to such roll, as the case may be.

(3) When a municipality has been divided into wards, the electoral roll for the municipality shall be divided into separate lists for each ward.

(4) Where after the electoral roll for a municipality or any alterations thereto have been published under sub-section (2), the municipality is divided into wards for the first time or the division of the municipality into wards is altered, the election authority shall, as soon as may be after such division or alteration, as the case may be, in order to give effect to the division of the municipality into wards or to the alteration of the wards, as the case may be, authorize a re-arrangement and re-publication of the electoral roll for the municipality or any part of such roll, in such manner as the Provincial Government may direct.

(5) The electoral roll for the municipality published under sub-section (2), as revised by any alterations thereto subsequently published under that sub-section or under sub-section (4), shall remain in force until the publication of a fresh electoral roll for the municipality under sub-section (2).

(6) Every person whose name appears in the electoral roll for the municipality, as so revised, shall, so long as it remains in

force, be entitled, subject to the provisions of this Act, to vote at an election; and no person whose name does not appear in such roll shall vote at an election.

Explanation.—In this section, 'territorial constituency' shall have the same meaning as in the Sixth Schedule to the Government of India Act, 1935, that is to say, it shall mean one of the territorial constituencies mentioned in paragraphs five and eight of the Fifth Schedule to that Act."

(4) In section 47, for the expression "sub-section (5)" the expression "sub-section (6)" shall be substituted.

(5) In the second proviso to section 303 (2) (*b*), for the words "any Adi-Dravida candidate", the words "any candidate who is a member of the Scheduled castes" shall be substituted.

Madras Act XIV of 1920.

Amendment of Madras Act XIV of 1920.

4. In the Madras Local Boards Act, 1920, the following amendments shall be made, namely:—

(1) In section 3—

(i) clause (1) shall be omitted and clause (1-A) shall be renumbered as clause (1); and

(ii) after clause 20, the following clause shall be inserted, namely:—

"(20-A) 'Scheduled castes' shall have the same meaning as in the Government of India (Scheduled Castes) Order, 1936, as in force for the time being, in regard to the local area concerned."

(2) In sections 9 (1) (*c*) and 9 (2) (*c*), for the word "Adi-Dravidas", the words "Members of the scheduled castes" shall be substituted.

(3) For sections 51 and 52, the following section shall be substituted, namely:—

Qualifications for inclusion in electoral roll for local board and publication thereof.

"51. (1) Every person whose name is included in that part of the electoral roll for any territorial constituency of the Madras Legislative Assembly, which relates to the area of the local board (hereinafter in this section referred to as 'local area') or any portion thereof, shall be entitled to be included in the electoral roll for the local board prepared for the purposes of this Act, and no other person shall be entitled to be included in such roll.

Explanation (1).—Where in the case of any territorial constituency of the Madras Legislative Assembly, there is no distinct part of the electoral roll relating to a local area, the names of all persons who are entered in such roll under the registration area comprising that local area and whose addresses as entered in such

roll are situated in such local area shall be entitled to be included in the electoral roll for the local board prepared for the purposes of this Act.

Explanation (2).—No person's name shall be included in the electoral roll for a local board in more than one place.

(2) As soon as may be after the electoral rolls for the territorial constituencies of the Madras Legislative Assembly which consist of, or comprise, the local area or any portion thereof, have been published as provided in the Government of India Act, 1935, and the rules made thereunder, or as soon as may be after any revision of such electoral rolls has been completed and the alterations consequent on such revision have been published as aforesaid, as the case may be, any person authorized by the prescribed authority in this behalf shall publish in such manner as the Provincial Government may direct, the portions of the said electoral rolls or of the alterations therein which relate to the local area, as the electoral roll for the local board or as alterations to such roll, as the case may be.

(3) The electoral roll for a district board shall be divided into separate parts for each circle and when a village has been divided into wards, the electoral roll for the panchayat shall be divided into separate parts for each ward.

(4) (*a*) Where after the electoral roll for a district board or any alterations thereto have been published under sub-section (2), the division of the district into circles is altered, the prescribed authority shall, in order to give effect to the alteration of the circles, authorize a re-arrangement and re-publication of the electoral roll for the district board or any part of such roll in such manner as the Provincial Government may direct.

(*b*) Where after the electoral roll for a panchayat or any alterations thereto have been published under sub-section (2), the village is divided into wards for the first time or the division of the village into wards is altered, the prescribed authority shall, in order to give effect to the division of the village into wards or to the alteration of the wards, as the case may be, authorize a re-arrangement and re-publication of the electoral roll for the panchayat or any part of such roll, in such manner as the Provincial Government may direct.

(5) The electoral roll for the local board published under sub-section (2), as revised by any alterations thereto subsequently published under that sub-section or under sub-section (4), shall remain in force, until the publication of a fresh electoral roll for the local board under sub-section (2).

(6) Every person whose name appears in the electoral roll for the local board as so revised, shall, so long as it remains in force, be entitled, subject to the provisions of this Act, to vote at an election; and no person whose name does not appear in such roll shall vote at an election.

Explanation.—In this section, ' territorial constituency ' shall have the same meaning as in the Sixth Schedule to the Government of India Act, 1935, that is to say, it shall mean one of the territorial constituencies mentioned in paragraphs five and eight of the Fifth Schedule to that Act."

(4) In section 53, for the expression " sub-section (5), " the expression " sub-section (6) " shall be substituted.

(5) To sub-section (1) of section 54, the following proviso shall be added, namely:—

" Provided that a person whose name appears in the electoral roll for a municipality (including the City of Madras) or a cantonment, situated within three miles of any district, which has been published under the Madras City Municipal Act, 1919, the Madras District Municipalities Act, 1920, or the Cantonments Act, 1924, and which is in force for the time being, shall be qualified for election to any seat on the district board for that district."

Madras Act IV of 1919. Madras Act V of 1920. II of 1924.

(6) In the second proviso to section 199 (2) (*b*), for the words " an Adi-Dravida candidate, " the words " any candidate who is a member of the scheduled castes " shall be substituted.

(7) Schedule III shall be omitted.

5. As soon as may be after the commencement of this Act, the Provincial Government shall determine which of the labour electorates referred to in section 46-B of the Madras City Municipal Act, 1919, as amended by this Act, shall correspond to each of the labour constituencies referred to in that section as it stood before the commencement of this Act; and the provisions of the Madras City Municipal Act, 1919, and of this Act shall apply accordingly, and in particular, the divisional seat for labour included in the fifteen divisional seats in the City of Madras, elections to which were postponed by section 2 of the Madras City Municipal, District Municipalities and Local Boards (Amendment) Act, 1937, shall be filled by the corresponding labour electorate.

Determination of labour electorates corresponding to existing labour constituencies.

Madras Act IV of 1919.

Madras Act IV of 1919.

Madras Act XV of 1937.

Tenure of office of members of local bodies holding office at commencement of Act not to be affected.

6. Save as otherwise provided in section 5, nothing contained in this Act shall be deemed to affect the tenure of office of any person holding office at the commencement of this Act as a member of any municipality or local board constituted under the Madras City Municipal Act, 1919, the Madras District Municipalities Act, 1920, or the Madras Local Boards Act, 1920. Madras Act IV of 1919. Madras Act V of 1920. Madras Act XIV of 1920.

Term of office of certain members of the Corporation of Madras.

7. The term of office of the councillors elected at the first ordinary elections held after the commencement of this Act to the fifteen divisional seats in the Corporation of Madras, elections to which seats were postponed by section 2 of the Madras City Municipal, District Municipalities and Local Boards (Amendment) Act, 1937, shall— Madras Act XV of 1937.

(*a*) commence immediately on the expiry of the date up to which the term of office of their predecessors was extended under section 2 aforesaid or forthwith if the election in any case has been completed after that date; and

(*b*) subject to the provisions of the Madras City Municipal Act, 1919, expire at noon on the 1st day of November 1940. Madras Act IV of 1919.

Term of office of councillors of certain municipalities.

8. The term of office of the councillors elected at the first ordinary elections held after the commencement of this Act to any municipality constituted under the Madras District Municipalities Act, 1920, elections to which were postponed under section 3 of the Madras City Municipal, District Municipalities and Local Boards (Amendment) Act, 1937, shall— Madras Act V of 1920. Madras Act XV of 1937.

(*a*) commence immediately on the expiry of the date up to which the term of office of their predecessors was extended, or up to which the constitution or reconstitution of the municipality was postponed, as the case may be, under section 3 aforesaid, or forthwith if the election in any case has been completed after that date; and

(*b*) subject to the provisions of the Madras District Municipalities Act, 1920, and the Madras District Municipalities and Local Boards (Amendment) Act, 1921, expire at noon on the 1st day of November 1940. Madras Act V of 1920. Madras Act II of 1922.

Term of office of members of certain local boards.

9. The term of office of the members elected at the first ordinary elections held after the commencement of this Act to any local board constituted under the Madras Local Boards Act, 1920, elections to which were postponed under section 4 of the Madras City Municipal, District Municipalities and Local Boards (Amendment) Act, 1937, shall— Madras Act XIV of 1920. Madras Act XV of 1937.

(*a*) commence immediately on the expiry of the date up to which the term of office of their predecessors was extended, or up to which the constitution or reconstitution of the local board was postponed, as the case may be, under section 4 aforesaid, or forthwith if the election in any case has been completed after that date; and

Madras Act XIV of 1920.
Madras Act II of 1922.

(*b*) subject to the provisions of the Madras Local Boards Act, 1920, and the Madras District Municipalities and Local Boards (Amendment) Act, 1921, expire at noon on such date not being later than the 31st December 1940 as the Provincial Government may fix.

Construction of references to 'Adi-Dravidas' in Notification, etc.

Madras Act IV of 1919.
Madras Act V of 1920.
Madras Act XIV of 1920.

10. All notifications, rules and orders issued before the commencement of this Act under the Madras City Municipal Act, 1919, the Madras District Municipalities Act, 1920, or the Madras Local Boards Act, 1920, shall be construed as if references to 'Adi-Dravidas' therein were references to members of the scheduled castes.

Power to remove difficulties.

Madras Act IV of 1919.
Madras Act V of 1920.
Madras Act XIV of 1920.

11. If any difficulty arises in giving effect to the provisions of this Act or of the Madras City Municipal Act, 1919, the Madras District Municipalities Act, 1920, or the Madras Local Boards Act, 1920, as amended by this Act, the Provincial Government may, as occasion may require, by order, do anything which appears to them to be necessary for the purpose of removing the difficulty.

STATEMENT OF OBJECTS AND REASONS.

This Bill provides for the adoption of the relevant portions of the electoral rolls prepared for the Madras Legislative Assembly as the electoral rolls for local bodies in this Province. The object of the Bill is to save the cost of preparing separate electoral rolls for local bodies and also widely to extend the franchise for such bodies. The principle of the legislation has already been accepted by the Legislature which has passed the Madras City Municipal, District Municipalities and Local Boards (Amendment) Act, 1937 (Madras Act XV of 1937). That Act, which extended the term of office of members of local bodies which would otherwise have expired last year, was a preliminary to this measure.

B. GOPALA REDDI.

Government of Madras

LEGAL DEPARTMENT

G.O. No. 26, 15th February 1938

Act—Madras City Municipal (Amendment) Act, 1938—Publication ordered as Madras Act I of 1938.

Order—No. 26, Legal, dated 15th February 1938.

The Madras City Municipal (Amendment) Act, 1938, will be published in the *Fort St. George Gazette* in English and in the Tamil, Telugu and Hindustani languages.

(By order of His Excellency the Governor)

P. APPU NAIR,
Secretary to Government.

To the Superintendent, Government Press.
,, Senior Translatr to Goovernment.
,, Education and Public Health Department.
,, Local Administration Department.
,, Secretary, Madras Legislature.
,, Governor's Secretary.

[Appendix

APPENDIX

The following Act of the Madras Legislature received the assent of His Excellency the Governor on the 12th February 1938 and is hereby published for general information :—

ACT No. I OF 1938.

An Act further to amend the Madras City Municipal Act, 1919, for certain purposes.

WHEREAS it is expedient further to amend the Madras City Municipal Act, 1919, for the purposes hereinafter appearing; It is hereby enacted as follows :— [Madras Act IV of 1919.]

Short title.

1. This Act may be called the Madras City Municipal (Amendment) Act, 1938.

Amendment of section 85, Madras Act IV of 1919.

2. In sub-section (1) of section 85 of the Madras City Municipal Act, 1919—

(i) in the opening paragraph, after the words " who shall be heads of departments working under the Commissioner " the following sentence shall be added, namely :—

" The salary and allowances attaching to every such appointment shall be fixed by the Council subject to the sanction of the Provincial Government, and shall not be varied without the like sanction.";

(ii) in clause (*b*) of the proviso, the words " shall not be less than five hundred rupees and " shall be omitted;

(iii) in clause (*c*) of the proviso, the words " shall not be less than four hundred rupees and " shall be omitted; and

(iv) in clause (*d*) of the proviso, the words " shall not be less than two hundred and fifty rupees and " shall be omitted.

Government of Madras

LEGAL DEPARTMENT

G.O. No. 27, 15th February 1938

Act—Madras City Municipal, District Municipalities and Local Boards (Amendment) Act, 1938—Publication ordered as Madras Act No. II of 1938.

Order—No. 27, Legal, dated 15th February 1938.

The Madras City Municipal, District Municipalities and Local Boards (Amendment) Act, 1938, will be published in the *Fort St. George Gazette* in English and in the Tamil, Telugu, Malayalam, Kanarese and Hindustani languages.

(By order of His Excellency the Governor)

P. Appu Nair,
Secretary to Government.

To the Superintendent, Government Press.
,, Senior Translator to Government.
,, Education and Public Health Department.
,, Local Administration Department.
,, Secretary, Madras Legislature.
,, Governor's Secretary.

[Appendix

APPENDIX

The following Act of the Madras Legislature received the assent of His Excellency the Governor on the 12th February 1938 and is hereby published for general information :—

ACT No. II OF 1938.

An Act further to amend the Madras City Municipal Act, 1919, the Madras District Municipalities Act, 1920, and the Madras Local Boards Act, 1920, for certain purposes.

WHEREAS it is expedient further to amend the Madras City Municipal Act, 1919, the Madras District Municipalities Act, 1920, and the Madras Local Boards Act, 1920, for the purposes hereinafter appearing; It is hereby enacted as follows :— Madras Act IV of 1919. Madras Act V of 1920. Madras Act XIV of 1920.

Short title. 1. This Act may be called the Madras City Municipal, District Municipalities, and Local Boards (Amendment) Act, 1938.

Amendment of Madras Act IV of 1919. 2. In the Madras City Municipal Act, 1919, the following amendments shall be made, namely :— Madras Act IV of 1919.

(1) In section 3—

(i) clause (1) shall be omitted and clause (1-A) shall be renumbered as clause (1); and

(ii) after clause (25-A), the following clause shall be inserted, namely :—

"(25-B) 'Scheduled castes' shall have the same meaning as in the Government of India (Scheduled Castes) Order, 1936, as in force for the time being, in regard to the City of Madras." 'Scheduled castes.'

(2) In sections 5 (1) (*a*), 45 (2) (*a*) and (*b*) and 46 (1), for the word "Adi-Dravidas" wherever it occurs, the words "members of the scheduled castes" shall be substituted.

(3) In section 46 (2), for the words "an Adi-Dravida", the words "a member of the scheduled castes" shall be substituted.

(4) In section 46-A, for the word "Adi-Dravidas", the words "members of the scheduled castes", for the words "Adi-Dravida electors" in both the places where they occur, the words "electors of such castes", and for the words "an Adi-Dravida", the words "a member of any such caste" shall be substituted.

(5) For sections 46-B, 47, 48, 49 and 49-A, the following sections shall be substituted, namely :—

Mode of election of councillors to labour seats.

"46-B. One of the two seats specially reserved for labour under clause (*a*) of sub-section (1) of section 5 shall be filled by election by a labour electorate consisting of persons employed in a railway workshop or textile mill situated in the City, whose names are included in the electoral roll for any trade union labour constituency of the Madras Legislative Assembly, and the other seat by election by another labour electorate consisting of persons employed in the Madras Harbour or in a perennial factory (other than a railway workshop or textile mill) situated in the City, whose names are included in the electoral roll for the Madras City Dock and Factory Labour (excluding textile and railway labour) non-union labour constituency of the Madras Legislative Assembly.

Electoral rolls for divisional seats other than labour seats.

47. Every person whose name is included in that part of the electoral roll for any territorial constituency of the Madras Legislative Assembly, which relates to any of the divisions referred to in sub-section (1) of section 45 shall be entitled to be included in the electoral roll for that division prepared for the purposes of this Act, and no other person shall be entitled to be included in such roll.

Explanation (1).—Where in the case of any territorial constituency of the Madras Legislative Assembly there is no distinct part of the electoral roll relating to a division, the names of all persons who are entered in such roll under the registration area comprising that division and whose addresses as entered in such roll are situated in such division, shall be entitled to be included in the electoral roll for the division prepared for the purposes of this Act.

Explanation (2).—No person's name shall be included in the electoral roll for more than one division or in the electoral roll for any division in more than one place.

Explanation (3).—In this section and in section 48, "territorial constituency" shall have the same meaning as in the Sixth Schedule to the Government of India Act, 1935, that is to say, it shall mean one of the territorial constituencies mentioned in paragraphs five and eight of the Fifth Schedule to that Act.

Publication of electoral rolls, etc.

48. (1) As soon as may be after the electoral rolls for the territorial and labour constituencies of the Madras Legislative Assembly which consist of, or comprise, or which relate to, the City or any portion thereof, have been published as provided in the Government of India Act, 1935, and the rules made thereunder, or as soon as may be after any revision of such electoral rolls has been completed and the alterations consequent on such revision have been published as aforesaid, as the case may be, the Commissioner

shall, for the purposes of this Act, prepare and publish in such manner as the Provincial Government may direct, the portions of the said electoral rolls or of the alterations thereto which relate to each of the forty divisions referred to in sub-section (1) of section 45 and to each of the labour electorates referred to in section 46-B.

(2) Where after the electoral rolls for the forty divisions aforesaid or any alterations to such rolls have been published under sub-section (1), the boundaries of any such divisions are altered, the Commissioner shall, in order to give effect to such alteration of boundaries, re-arrange and republish in such manner as the Provincial Government may direct, the electoral rolls for each of the divisions concerned.

(3) The electoral roll for any division or for any labour electorate referred to in section 46-B published under sub-section (1), as revised by any alterations thereto subsequently published under that sub-section or under sub-section (2), shall remain in force until the publication under sub-section (1) of a fresh electoral roll for that division or labour electorate.

(4) Every person whose name appears in the electoral roll for any division or for any labour electorate referred to in section 46-B, as so revised, shall, so long as such roll remains in force, be entitled, subject to the provisions of this Act, to vote at an election for the division or by the labour electorate concerned, and no person whose name does not appear in such roll shall vote at such an election.

49. In the electoral roll for each of the divisions notified by the Provincial Government under sub-section (2) of section 45 as the divisions in which seats shall be reserved for members of the scheduled castes, the names of the electors belonging to such castes

Names of electors belonging to the Scheduled castes to be distinguished from the rest.

shall be shown separately or be distinguished from the names of the other electors in such manner as the Provincial Government may direct."

(6) In section 51 (1) (*b*), for the word "Adi-Dravidas", the words "members of the scheduled castes" and for the words "an Adi-Dravida", the words "a member of any such caste" shall be substituted.

(7) In section 51 (1) (*c*), for the words "labour constituency", the words "labour electorate" and for the words "constituencies for labour", the words "labour electorates" shall be substituted.

(8) In section 51 (1) (*d*), for the words "constituencies for labour", the words "labour electorates" and for the words "member possessing the residential qualification under section 49-A of any of the bodies referred to in clauses (*b*), (*c*), (*d*) and (*g*) of sub-section (1) of section 5", the words "member of any of the bodies referred to in clauses (*b*), (*c*), (*d*) and (*g*) of sub-section (1) of section 5 who has resided in the City for ninety days in the aggregate in the year preceding that in which the election is held" shall be substituted.

(9) In section 59 (2), clause (*a*) and the words "relating to electoral rolls or" in clause (*b*) shall be omitted and for the word "Adi-Dravidas" in the second proviso to clause (*c*), the words "members of the scheduled castes" shall be substituted.

Amendment of Madras Act V of 1920.

3. In the Madras District Municipalities Act, 1920, the following amendments shall be made, namely :— Madras Act V of 1920.

(1) In section 3—

(i) clause (1) shall be omitted and clause (1-A) shall be renumbered as clause (1); and

27

(ii) after clause (28), the following clause shall be inserted, namely :—

"(28-A) 'Scheduled castes' shall have the same meaning as in the Government of India (Scheduled Castes) Order, 1936, as in force for the time being, in regard to the municipality concerned." 'Scheduled castes.'

(2) In section 7 (3) (*c*), for the word "Adi-Dravidas", the words "Members of the scheduled castes" shall be substituted.

(3) For sections 44 and 45, the following section shall be substituted, namely :—

"44. (1) Every person whose name is included in that part of the electoral roll for any territorial constituency of the Madras Legislative Assembly, which relates to the municipality or any portion thereof, shall be entitled to be included in the electoral roll for the municipality prepared for the purposes of this Act, and no other person shall be entitled to be included in such roll. Qualifications for inclusion in electoral roll for municipality and publication thereof.

Explanation (1).—Where in the case of any territorial constituency of the Madras Legislative Assembly, there is no distinct part of the electoral roll relating to the municipality, the names of all persons who are entered in such roll under the registration area comprising the municipality and whose addresses as entered in such roll are situated in the municipality shall be entitled to be included in the electoral roll for the municipality prepared for the purposes of this Act.

Explanation (2).—No person's name shall be included in the electoral roll for the municipality in more than one place.

(2) As soon as may be after the electoral rolls for the territorial constituencies of the Madras Legislative Assembly which consist of, or comprise, the municipality or any portion thereof, have been published as provided in the Government of India Act, 1935, and the rules made thereunder, or as soon as may be after any revision of

such electoral rolls has been completed and the alterations consequent on such revision have been published as aforesaid, as the case may be, any person authorized by the election authority in this behalf shall publish in such manner as the Provincial Government may direct, the portions of the said electoral rolls or of the alterations therein which relate to the municipality, as the electoral roll for the municipality or as alterations to such roll, as the case may be.

(3) When a municipality has been divided into wards, the electoral roll for the municipality shall be divided into separate lists for each ward.

(4) Where after the electoral roll for a municipality or any alterations thereto have been published under sub-section (2), the municipality is divided into wards for the first time or the division of the municipality into wards is altered, the election authority shall, as soon as may be after such division or alteration, as the case may be, in order to give effect to the division of the municipality into wards or to the alteration of the wards, as the case may be, authorize a re-arrangement and re-publication of the electoral roll for the municipality or any part of such roll, in such manner as the Provincial Government may direct.

(5) The electoral roll for the municipality published under sub-section (2), as revised by any alterations thereto subsequently published under that sub-section or under sub-section (4), shall remain in force until the publication of a fresh electoral roll for the municipality under sub-section (2).

(6) Every person whose name appears in the electoral roll for the municipality, as so revised, shall, so long as it remains in force, be entitled, subject to the provisions of this Act, to vote at an election;

and no person whose name does not appear in such roll shall vote at an election.

Explanation.—In this section, ' territorial constituency ' shall have the same meaning as in the Sixth Schedule to the Government of India Act, 1935, that is to say, it shall mean one of the territorial constituencies mentioned in paragraphs five and eight of the Fifth Schedule to that Act."

(4) In section 47, for the expression " sub-section (5) " the expression " sub-section (6) " shall be substituted.

(5) In the second proviso to section 303 (2) (*b*), for the words " any Adi-Dravida candidate ", the words " any candidate who is a member of the Scheduled castes " shall be substituted.

as Act of 1920. 4. In the Madras Local Boards Act, 1920, the following amendments shall be made, namely:— Amendment of Madras Act XIV of 1920.

(1) In section 3—

(i) clause (1) shall be omitted and clause (1-A) shall be renumbered as clause (1); and

(ii) after clause 20, the following clause shall be inserted, namely:—

" (20-A) ' Scheduled castes ' shall have the same meaning as in the Government of India (Scheduled Castes) Order, 1936, as in force for the time being, in regard to the local area concerned."

(2) In sections 9 (1) (*c*) and 9 (2) (*c*), for the word " Adi-Dravidas ", the words " Members of the scheduled castes " shall be substituted.

(3) For sections 51 and 52, the following section shall be substituted, namely:—

" 51. (1) Every person whose name is included in that part of the electoral roll for any territorial constituency of the Madras Legislative Assembly, which relates to the area of the local board (hereinafter in this section referred to as ' local area ') or any Qualifications for inclusion in electoral roll for local board and publication thereof.

portion thereof, shall be entitled to be included in the electoral roll for the local board prepared for the purposes of this Act, and no other person shall be entitled to be included in such roll.

Explanation (1).—Where in the case of any territorial constituency of the Madras Legislative Assembly, there is no distinct part of the electoral roll relating to a local area, the names of all persons who are entered in such roll under the registration area comprising that local area and whose addresses as entered in such roll are situated in such local area shall be entitled to be included in the electoral roll for the local board prepared for the purposes of this Act.

Explanation (2).—No person's name shall be included in the electoral roll for a local board in more than one place.

(2) As soon as may be after the electoral rolls for the territorial constituencies of the Madras Legislative Assembly which consist of, or comprise, the local area or any portion thereof, have been published as provided in the Government of India Act, 1935, and the rules made thereunder, or as soon as may be after any revision of such electoral rolls has been completed and the alterations consequent on such revision have been published as aforesaid, as the case may be, any person authorized by the prescribed authority in this behalf shall publish in such manner as the Provincial Government may direct, the portions of the said electoral rolls or of the alterations therein which relate to the local area, as the electoral roll for the local board or as alterations to such roll, as the case may be.

(3) The electoral roll for a district board shall be divided into separate parts for each circle and when a village has been

divided into wards, the electoral roll for the panchayat shall be divided into separate parts for each ward.

(4) (*a*) Where after the electoral roll for a district board or any alterations thereto have been published under sub-section (2), the division of the district into circles is altered, the prescribed authority shall, in order to give effect to the alteration of the circles, authorize a re-arrangement and re-publication of the electoral roll for the district board or any part of such roll in such manner as the Provincial Government may direct.

(*b*) Where after the electoral roll for a panchayat or any alterations thereto have been published under sub-section (2), the village is divided into wards for the first time or the division of the village into wards is altered, the prescribed authority shall, in order to give effect to the division of the village into wards or to the alteration of the wards, as the case may be, authorize a re-arrangement and re-publication of the electoral roll for the panchayat or any part of such roll, in such manner as the Provincial Government may direct.

(5) The electoral roll for the local board published under sub-section (2), as revised by any alterations thereto subsequently published under that sub-section or under sub-section (4), shall remain in force, until the publication of a fresh electoral roll for the local board under sub-section (2).

(6) Every person whose name appears in the electoral roll for the local board as so revised, shall, so long as it remains in force, be entitled, subject to the provisions of this Act, to vote at an election; and no person whose name does not appear in such roll shall vote at an election.

Explanation.—In this section, ' territorial constituency ' shall have the same meaning as in the Sixth Schedule to the Government of India Act, 1935, that is to say, it shall mean one of the territorial constituencies mentioned in paragraphs five and eight of the Fifth Schedule to that Act.''

(4) In section 53, for the expression " sub-section (5), " the expression " sub-section (6) " shall be substituted.

(5) To sub-section (1) of section 54, the following proviso shall be added, namely:—

" Provided that a person whose name appears in the electoral roll for a municipality (including the City of Madras) or a cantonment, situated within three miles of any district, which has been published under the Madras City Municipal Act, 1919, the Madras District Municipalities Act, 1920, or the Cantonments Act, 1924, and which is in force for the time being, shall be qualified for election to any seat on the district board for that district." Madras Act IV of 1919. Madras Act V of 1920. II of 1924.

(6) In the second proviso to section 199 (2) (*b*), for the words " an Adi-Dravida candidate, " the words " any candidate who is a member of the scheduled castes " shall be substituted.

(7) Schedule III shall be omitted.

Determination of labour electorates corresponding to existing labour constituencies.

5. As soon as may be after the commencement of this Act, the Provincial Government shall determine which of the labour electorates referred to in section 46-B of the Madras City Municipal Act, 1919, as amended by this Act, shall correspond to each of the labour constituencies referred to in that section as it stood before the commencement of this Act; and the provisions of the Madras City Municipal Act, 1919, and of this Act shall apply accordingly, and in particular, the divisional seat for labour included in the fifteen divisional seats in the City of Madras, elections to which were postponed by section 2 of the Madras City Municipal, District Municipalities and Local Boards (Amendment) Act, 1937, shall be filled by the corresponding labour electorate. Madras Act IV of 1919. Madras Act IV of 1919. Madras Act XV of 1937.

33

6. Save as otherwise provided in section 5, nothing contained in this Act shall be deemed to affect the tenure of office of any person holding office at the commencement of this Act as a member of any municipality or local board constituted under the Madras City Municipal Act, 1919, the Madras District Municipalities Act, 1920, or the Madras Local Boards Act, 1920.

Tenure of office of members of local bodies holding office at commencement of Act not to be affected.

Madras Act IV of 1919. Madras Act V of 1920. Madras Act XIV of 1920.

7. The term of office of the councillors elected at the first ordinary elections held after the commencement of this Act to the fifteen divisional seats in the Corporation of Madras, elections to which seats were postponed by section 2 of the Madras City Municipal, District Municipalities and Local Boards (Amendment) Act, 1937, shall—

Term of office of certain members of the Corporation of Madras.

Madras Act XV of 1937.

(a) commence immediately on the expiry of the date up to which the term of office of their predecessors was extended under section 2 aforesaid or forthwith if the election in any case has been completed after that date; and

(b) subject to the provisions of the Madras City Municipal Act, 1919, expire at noon on the 1st day of November 1940.

Madras Act IV of 1919.

8. The term of office of the councillors elected at the first ordinary elections held after the commencement of this Act to any municipality constituted under the Madras District Municipalities Act, 1920, elections to which were postponed under section 3 of the Madras City Municipal, District Municipalities and Local Boards (Amendment) Act, 1937, shall—

Term of office of councillors of certain municipalities.

Madras Act V of 1920.

Madras Act XV of 1937.

(a) commence immediately on the expiry of the date up to which the term of office of their predecessors was extended, or up to which the constitution or reconstitution of the municipality was postponed, as the case may be, under section 3 aforesaid, or forthwith if the election in any case has been completed after that date; and

(b) subject to the provisions of the Madras District Municipalities Act, 1920, and the Madras District Municipalities and Local Boards (Amendment) Act, 1921, expire at noon on the 1st day of November 1940.

Madras Act V of 1920.

Madras Act II of 1922.

Term of office of members of certain local boards.

9. The term of office of the members elected at the first ordinary elections held after the commencement of this Act to any local board constituted under the Madras Local Boards Act, 1920, elections to which were postponed under section 4 of the Madras City Municipal, District Municipalities and Local Boards (Amendment) Act, 1937, shall— Madras Act XIV of 1920. Madras Act XV of 1937.

(a) commence immediately on the expiry of the date up to which the term of office of their predecessors was extended, or up to which the constitution or reconstitution of the local board was postponed, as the case may be, under section 4 aforesaid, or forthwith if the election in any case has been completed after that date; and

(b) subject to the provisions of the Madras Local Boards Act, 1920, and the Madras District Municipalities and Local Boards (Amendment) Act, 1921, expire at noon on such date not being later than the 31st December 1940 as the Provincial Government may fix. Madras Act XIV of 1920. Madras Act II of 1922.

Construction of references to 'Adi-Dravidas' in Notification, etc.

10. All notifications, rules and orders issued before the commencement of this Act under the Madras City Municipal Act, 1919, the Madras District Municipalities Act, 1920, or the Madras Local Boards Act, 1920, shall be construed as if references to 'Adi-Dravidas' therein were references to members of the scheduled castes. Madras Act IV of 1919. Madras Act V of 1920. Madras Act XIV of 1920.

Power to remove difficulties.

11. If any difficulty arises in giving effect to the provisions of this Act or of the Madras City Municipal Act, 1919, the Madras District Municipalities Act, 1920, or the Madras Local Boards Act, 1920, as amended by this Act, the Provincial Government may, as occasion may require, by order, do anything which appears to them to be necessary for the purpose of removing the difficulty. Madras Act IV of 1919. Madras Act V of 1920. Madras Act XIV of 1920.

Government of Madras

LEGAL DEPARTMENT.

G.O. No. 28, 18th February 1938

Bill—Madras Traffic Control Bill, 1938—Publication ordered under the proviso to rule 73 of the Madras Assembly Rules.

Order—No. 28, Legal, dated 18th February 1938.

The order of His Excellency the Governor directing the publication of the Madras Traffic Control Bill, 1938, is annexed to these proceedings.

2. The Bill, with the Statement of Objects and Reasons, will be published in the *Fort St. George Gazette* in English and in the Tamil, Telugu, Malayalam, Kanarese and Hindustani languages.

3. The Honourable Mr. K. Raman Menon will be in charge of the Bill.

(By order of His Excellency the Governor)

P. APPU NAIR,
Secretary to Government.

To the Superintendent, Government Press.
" Senior Translator to Government.
" Education and Public Health Department.
" Home Department.
" Secretary, Madras Legislature.
" Governor's Secretary.

[Annexure.

ANNEXURE.

Order of His Excellency the Governor.

Under the proviso to rule 73 of the Madras Assembly Rules, His Excellency the Governor directs the publication of the Madras Traffic Control Bill, 1938, with the Statement of Objects and Reasons.

APPENDIX.

Bill to be introduced in the Legislative of the Province of Madras.

Under the proviso to rule 73 of the Madras Assembly Rules, the following Bill, together with the Statement of Objects and Reasons, is published for general information :—

A Bill to provide for the control of traffic in public places in the Province of Madras.

WHEREAS it is expedient to enable the Provincial Government to make provision for the control of traffic in public places in the Province of Madras, and for that purpose further to amend the Madras City Municipal Act, 1919, the Madras District Municipalities Act, 1920, the Madras Local Boards Act, 1920, the Indian Motor Vehicles Act, 1914, in its application to the Province of Madras, and the Madras Motor Vehicles Taxation Act, 1931; It is hereby enacted as follows :—

Madras Act IV of 1919. Madras Act V of 1920. Madras Act XIV of 1920. VIII of 1914. Madras Act III of 1931.

Short title, extent and commencement.

1. (1) This Act may be called the Madras Traffic Control Act, 1938.

(2) It extends to the whole of the Province of Madras.

(3) This section shall come into force at once, and the rest of this Act shall come into force on such date as the Provincial Government may, by notification, appoint.

Definition.

2. In this Act, 'public place' means a road, street, way or other place, whether a thoroughfare or not, to which the public are granted access or over which they have a right to pass and includes—

(*a*) in the City of Madras, a public street as defined in clause (20) of section 3 of the Madras City Municipal Act, 1919; Madras Act IV of 1919.

(*b*) in a municipality governed by the Madras District Municipalities Act, 1920, a public street as defined in clause (21) of section 3 of that Act; and Madras Act V of 1920.

(*c*) in a local area governed by the Madras Local Boards Act, 1920, a public road as defined in clause (18) of section 3 of that Act. Madras Act XIV of 1920.

Power of Provincial Government to make rules for the control of traffic.

3. The Provincial Government may, after previous publication, make rules to provide—

(*a*) for the regulation of the use of any public place and the closing thereof or parts thereof; and

(*b*) for the regulation of traffic in any public place or its reservation for particular kinds of traffic.

31

4. In making any rule under section 3, the Provincial Government may provide that a breach thereof shall be punishable— **Penalty for breach of rules.**

(*a*) with fine which may extend to fifty rupees and, in case of a continuing breach, with fine which may extend to fifteen rupees for every day during which the breach continues after conviction for the first breach; or

(*b*) with fine which may extend to ten rupees for every day during which the breach continues after receipt of notice from an officer empowered in that behalf by the Provincial Government, to discontinue such breach.

5. In the Madras City Municipal Act, 1919— **Amendment of Madras Act IV of 1919.**

(i) sub-clauses (*b*) and (*c*) of clause (8) of section 349 shall be omitted and sub-clause (*d*) of that clause shall be relettered as sub-clause (*b*); and

(ii) in clause (9) of the same section, after the words " public or municipal places ", the following words shall be added, namely:—

" but not including the regulation of traffic therein, the reservation thereof for particular kinds of traffic, or the closing thereof or parts thereof to traffic."

6. In the Madras District Municipalities Act, 1920— **Amendment of Madras Act V of 1920.**

(i) section 174-A shall be omitted;

(ii) in section 306, sub-clauses (*b*) and (*c*) of clause (8) shall be omitted and sub-clause (*d*) of that clause shall be relettered as sub-clause (*b*);

(iii) in the same section, in clause (9), after the words " public or municipal places " the following words shall be added, namely:—

" but not including the regulation of traffic therein, the reservation thereof for particular kinds of traffic, or the closing thereof or parts thereof to traffic."; and

(iv) in Schedules VII and VIII, the entries relating to section 174-A shall be omitted.

7. In the Madras Local Boards Act, 1920— **Amendment of Madras Act XIV of 1920.**

(i) section 166 shall be omitted;

(ii) in section 202, sub-clauses (*a*) and (*b*) of clause (5) shall be omitted and sub-clause (*c*) of that clause shall be renumbered as clause (5);

(iii) in the same section, in clause (6), after the words " places vested in a local board ", the following words shall be added, namely:—

" but not including the regulation of traffic therein, the reservation thereof for particular kinds of traffic, or the closing thereof or parts thereof to traffic."; and

(iv) in Schedules VIII and IX, the entries relating to section 166 shall be omitted.

Amendment of Act VIII of 1914 in its application to the Province.

8. The Indian Motor Vehicles Act, 1914, shall, in its application to the Province of Madras, be construed as if the rule-making power conferred by section 11 of that Act extended to the following matters, namely:—

"(*a*) The prescription of the conditions subject to which, and the fees (if any) on payment of which, motor vehicles or any class of such vehicles may be used in public places, generally or in any particular public place.

(*b*) The constitution for each district of a transport authority and the prescription of its powers and functions including, in particular, its powers and functions in regard to—

(i) the issue or the authorization of the issue of prescribed permits in respect of motor vehicles or any specified class of motor vehicles, for their use in all, or any, public places in the district;

(ii) the determination of the areas in the district on the routes or public places situated in which, or of the routes or public places in the district on which, motor vehicles or any specified class of motor vehicles may be used; and

(iii) the restriction of the number of motor vehicles or of any specified class of motor vehicles to which permits may be issued in respect of such areas, routes or public places.

(*c*) The constitution of a central transport authority for the Province and the prescription of its powers and functions including, in particular—

(i) its powers and functions in regard to motor traffic extending over the jurisdiction of two or more of the transport authorities referred to in clause (*b*), and the exercise of the powers and functions of, and the control to be exercised over, such authorities in respect of such traffic; and

(ii) its appellate jurisdiction in respect of orders passed by the transport authorities referred to in clause (*b*).

(*d*) The powers of the Provincial Government to control the central transport authority referred to in clause (*c*) and the prescription that the decisions and orders of such authority—

(i) shall not be liable to be questioned in any Civil Court by suit or otherwise; and

(ii) shall be final except in so far as they may be set aside or revised by the Provincial Government.

(*e*) The powers of the Provincial Government to control the transport authorities referred to in clause (*b*) and the prescription that the

decisions and orders of such authorities shall not be liable to be questioned in any Civil Court by suit or otherwise.

(*f*) The prescription of a limit of speed in respect of motor vehicles or any specified class of motor vehicles, generally or in any particular public place.

(*g*) The empowering of any authority to limit by general or special order the speed at which motor vehicles or any specified class of motor vehicles may be driven, generally or in any particular public place."

Amendment of Madras Act III of 1931.

9. In the Madras Motor Vehicles Taxation Act, 1931—

(i) in section 2, clause (viii) shall be renumbered as clause (viii-b) and the following shall be inserted as clause (viii-a), namely:—

"(viii-*a*) 'laden weight' in relation to a motor vehicle means, in case a permit is issued to the vehicle in pursuance of the rules made by the Provincial Government under the Indian Motor Vehicles Act, 1914, the maximum laden weight specified in such permit, if no such permit is issued, the maximum laden weight specified in the registration certificate of the vehicle, and if such weight is not specified in such certificate, the maximum laden weight of the vehicle determined in such manner as the licensing officer may deem fit.

VIII of 1914.

'laden weight' in relation to a trailer means, in case a permit is issued to the vehicle to which the trailer is attached in pursuance of the rules made by the Provincial Government under the Indian Motor Vehicles Act, 1914, the maximum laden weight specified in such permit in respect of the trailer, if no such permit is issued, the maximum laden weight specified in respect of the trailer in the registration certificate of the vehicle to which the trailer is attached, and if such weight is not specified in such certificate, the maximum laden weight of the trailer determined in such manner as the licensing officer may deem fit.";

VIII of 1914.

(ii) for sub-section (1) of section 10, the following sub-section shall be substituted, namely:—

"(1) (*a*) From the proceeds of the tax collected under this Act every year, the following credits and payments shall be made in the order mentioned below:—

(i) *Firstly*, there shall be credited to the Provincial Government the expenses of collecting the tax.

(ii) *Secondly*, there shall be credited to the Provincial Government the cost incurred by them in exercising their administrative functions in regard to the control of motor vehicles in the Province.

(iii) *Thirdly*, there shall be credited to the Provincial Government a sum equivalent to the average annual income derived by them during the three years ending on the 31st day of March immediately preceding the commencement of the Madras Traffic Control Act, 1938, from additional fees levied under the Indian Motor Vehicles Act, 1914, on motor vehicles plying on Government roads in the Province. **VIII of 1914.**

(iv) *Fourthly*, there shall be paid to each district board and to each municipal council a sum equivalent to the average annual income derived by such board or council during the three years ending on the 31st day of March immediately preceding the commencement of the Madras Traffic Control Act, 1938, from fees on licences granted to motor vehicles under section 166 of the Madras Local Boards Act, 1920, or section 174-A of the Madras District Municipalities Act, 1920, as the case may be. **Madras Act XIV of 1920. Madras Act V of 1920.**

(v) *Fifthly*, there shall be paid to each local body which at the commencement of this Act was levying tolls or vehicle tax on motor vehicles or both, a sum equivalent to the average annual income derived by such local body during the three years ending on the 31st day of March 1931, from such tolls or vehicle tax on motor vehicles, or both, as the case may be, and there shall also be credited to the Provincial Government a sum equivalent to their average annual income during the said three years from all tolls levied by them in the Province.

(*b*) The Provincial Government shall determine the sums which should be credited to themselves or paid to local bodies under sub-clauses (i) to (v) of clause (*a*), and their determination shall be final.";

(iii) in sub-section (2) of the same section, for the expression " sub-section (1) ", the expression " sub-clause (v) of clause (*a*) of sub-section (1) " shall be substituted;

(vi) for sub-section (3) of the same section, the following sub-section shall be substituted, namely:—

"(3) If in any year the proceeds of the tax after deducting the sums referred to in sub-clauses (i) to (iv) of clause (*a*) of sub-section (1) fall short of the aggregate of the sums payable to local bodies under sub-clause (v) of the said clause (*a*) and the sum creditable to the Provincial Government under the same sub-clause, such proceeds shall be distributed among the local bodies and the Provincial Government proportionately to the sums determined under clause (*b*) of sub-section (1) as payable to each such local body and as creditable to the Provincial Government, under sub-clause (v) aforesaid, and the deficit shall be made good in the same proportion in the earliest subsequent year or years in which there may be a surplus.";

(v) for items 3 and 4 of Schedule II, the following items shall be substituted, namely:—

Classes of vehicles.	Maximum quarterly tax — For vehicles fitted with pneumatic tyres. RS. A. P.			Maximum quarterly tax — For other vehicles. RS. A. P.		
"3. Motor lorries—						
(*a*) Lorries not exceeding 20 cwt. in weight, laden	50	0	0	75	0	0
(*b*) Lorries exceeding 20 cwt. but not exceeding 30 cwt. in weight, laden	100	0	0	150	0	0
(*c*) Lorries exceeding 30 cwt. but not exceeding 45 cwt. in weight, laden	120	0	0	180	0	0
(*d*) Lorries exceeding 45 cwt. but not exceeding 60 cwt. in weight, laden	150	0	0	225	0	0
(*e*) Lorries exceeding 60 cwt. but not exceeding 85 cwt. in weight, laden	180	0	0	270	0	0
(*f*) Lorries exceeding 85 cwt. but not exceeding 110 cwt. in weight, laden	220	0	0	330	0	0
(*g*) Lorries exceeding 110 cwt. but not exceeding 150 cwt. in weight, laden	270	0	0	405	0	0
(*h*) Lorries exceeding 150 cwt. but not exceeding 180 cwt. in weight, laden	320	0	0	480	0	0
(*i*) Lorries exceeding 180 cwt. in weight, laden	350	0	0	525	0	0
(*j*) Additional tax payable in respect of lorries used for drawing trailers—						
(i) for each trailer not exceeding 20 cwt. in weight, laden	20	0	0	30	0	0
(ii) for each trailer exceeding 20 cwt. but not exceeding 60 cwt. in weight, laden ..	75	0	0	112	8	0
(iii) for each trailer exceeding 60 cwt. in weight, laden	150	0	0	225	0	0
Provided that two or more lorries shall not be chargeable under this clause in respect of the same trailer.						
4. Motor vehicles plying for hire and used for the transport of passengers—						
(*a*) Vehicles licensed under the rules made by the Provincial Government under the Indian Motor Vehicles Act, 1914, to carry in all not more than four persons	80	0	0	120	0	0
(*b*) Vehicles licensed under the rules made by the Provincial Government under the Indian Motor Vehicles Act, 1914, to carry more than four persons—for every person which the vehicle is so licensed to carry	20	0	0	30	0	0",

and

(vi) for items 3 and 4 of Schedule III, the following items shall be substituted, namely:—

Classes of vehicles.	Maximum tax for vehicles fitted with pneumatic tyres. — For a period not exceeding seven days.	Maximum tax for vehicles fitted with pneumatic tyres. — For a period exceeding seven days but not exceeding thirty days.	Maximum tax for other vehicles. — For a period not exceeding seven days.	Maximum tax for other vehicles. — For a period exceeding seven days but not exceeding thirty days.
(1)	(2)	(3)	(4)	(5)
	RS. A. P.	RS. A. P.	RS. A. P.	RS. A. P.
" 3. Motor Lorries—				
(a) Lorries not exceeding 20 cwt. in weight, laden.	8 8 0	25 0 0	12 8 0	37 8 0
(b) Lorries exceeding 20 cwt. but not exceeding 30 cwt. in weight, laden.	16 12 0	50 0 0	25 0 0	75 0 0
(c) Lorries exceeding 30 cwt. but not exceeding 45 cwt. in weight, laden.	20 0 0	60 0 0	30 0 0	90 0 0
(d) Lorries exceeding 45 cwt. but not exceeding 60 cwt. in weight, laden.	25 0 0	75 0 0	37 8 0	112 8 0
(e) Lorries exceeding 60 cwt. but not exceeding 85 cwt. in weight, laden.	30 0 0	90 0 0	45 0 0	135 0 0
(f) Lorries exceeding 85 cwt. but not exceeding 110 cwt. in weight, laden.	36 12 0	110 0 0	55 0 0	165 0 0
(g) Lorries exceeding 110 cwt. but not exceeding 150 cwt in weight, laden.	45 0 0	135 0 0	67 8 0	202 8 0
(h) Lorries exceeding 150 cwt. but not exceeding 180 cwt. in weight, laden.	53 8 0	160 0 0	80 0 0	240 0 0
(i) Lorries exceeding 180 cwt. in weight, laden.	58 8 0	175 0 0	87 8 0	262 8 0
(j) Additional tax payable in respect of lorries used for drawing trailers—				
(i) for each trailer not exceeding 20 cwt. in weight, laden.	3 8 0	10 0 0	5 0 0	15 0 0
(ii) for each trailer exceeding 20 cwt. but not exceeding 60 cwt. in weight, laden.	12 8 0	37 8 0	18 12 0	56 4 0
(iii) for each trailer exceeding 60 cwt. in weight, laden.	25 0 0	75 0 0	37 8 0	112 8 0
Provided that two or more lorries shall not be chargeable under this clause in respect of the same trailer.				
4. Motor vehicles plying for hire and used for the transport of passengers—				
(a) Vehicles licensed under the rules made under the Indian Motor Vehicles Act, 1914, to carry in all not more than four persons.	13 8 0	40 0 0	20 0 0	60 0 0
(b) Vehicles licensed under the rules made under the Indian Motor Vehicles Act, 1914, to carry more than four persons—for every person which the vehicle is so licensed to carry.	3 8 0	10 0 0	5 0 0	15 0 0"

Existing by-laws to continue.

10. Notwithstanding anything contained in this Act, all by-laws relating to any of the matters mentioned in section 3 of this Act which have been made under the Madras City Municipal Act, 1919, the Madras District Municipalities Act, 1920, or the Madras Local Boards Act, 1920 and are in force at the commencement of this Act shall continue to be valid, but any such by-law may be cancelled or altered by a rule made under section 3 aforesaid.

Madras Act IV of 1919.
Madras Act V of 1920.
Madras Act XIV of 1920.

Repeal of Madras Act V of 1931.

11. The Madras Government Roads Traffic Control Act, 1931, is hereby repealed.

Power to remove difficulties.

12. If any difficulty arises in giving effect to the provisions of this Act or of the Madras City Municipal Act, 1919, the Madras District Municipalities Act, 1920, the Madras Local Boards Act, 1920, the Indian Motor Vehicles Act, 1914, or the Madras Motor Vehicles Taxation Act, 1931, as amended by this Act, the Provincial Government, as occasion may require, may, by order, do anything which appears to them to be necessary for the purpose of removing the difficulty.

STATEMENT OF OBJECTS AND REASONS.

The arrangements which are now in force in this Presidency for controlling road traffic are far from satisfactory. The control is vested in several authorities and it is found difficult and sometimes impossible to secure due co-ordination among them. The object of this Bill, briefly stated, is to unify the control and at the same time to secure that the single authority in which the control will be vested shall exercise its powers subject to proper safeguards.

2. At present, local bodies have power to make by-laws to regulate the use of, and traffic in, public roads or streets and other public places, under section 202 (5) (*a*) and (*b*) and (6) of the Madras Local Boards Act, 1920, section 306 (8) (*b*) and (*c*) and (9) of the Madras District Municipalities Act, 1920, and section 349 (8) (*b*) and (*c*) and (9) of the Madras City Municipal Act, 1919. The Provincial Government have similar powers under the Madras Government Roads Traffic Control Act, 1931, in respect of public roads in charge of, and maintained by, them. The Provincial Government have also powers to regulate and control the use of motor vehicles in public places under the Indian Motor Vehicles Act, 1914. The powers of the Government and of local bodies overlap to an extent which makes uniform control of traffic throughout the Presidency impossible. It is therefore proposed that the power of local bodies to frame by-laws for this purpose should be withdrawn and that the Government should have power to make rules for regulating the use of all public roads and streets and traffic of all kinds in public places generally. The rules are to be made after previous publication. Penalties may also be provided for the breach of the rules. In view of these provisions, the Madras Government Roads Traffic Control Act, 1931, becomes unnecessary and it is therefore proposed to repeal that Act.

3. Motor vehicles let or plying for hire have now to obtain, in addition to a registration certificate under the rules made under the Indian Motor Vehicles Act, 1914, and a licence under the Madras Motor Vehicles Taxation Act, 1931—

(*a*) a permit (the G. permit) from the Commissioner of Police in the City of Madras and the District Superintendent of Police elsewhere, under rule 30 of the Madras Motor Vehicles Rules issued under the Indian Motor Vehicles Act, 1914;

(*b*) in the case of roads vested in district boards, a licence from the president of every district board concerned under section 166 of the Madras Local Boards Act, 1920;

(*c*) in the case of roads vested in municipalities, a licence from the executive authority of every municipality concerned, under section 174-A of the Madras District Municipalities Act, 1920; and

(*d*) in the case of certain Government roads, a licence from the authority designated in the special rules made by Government.

Permits and licences have thus to be obtained from different authorities who are independent of one another and this does not conduce to uniformity of practice or to the smooth working of the system. In order to bring about an understanding between the various authorities, an informal committee, consisting of the District Magistrate, the President of the District Board and the District Superintendent of Police, meets at least once a year in each district, under the executive orders of the Government. This committee should come to an agreement in regard to the routes in the district on

which motor vehicles may be let or plied for hire and the number of such vehicles which may ply on each route. Permits and licences are issued or renewed for such vehicles by the licensing authorities up to the agreed limit. While the committee comes generally to an amicable arrangement, there are certain definite defects. The majority of the committee cannot enforce its view against the President of the District Board, from whose orders an appeal lies to the district board, under section 166 (7) of the Madras Local Boards Act. Again, if an unwise decision is reached by the committee, there is no authority to correct it. There is no superior body, apart from the Government, with any power to correlate the lines on which individual committees are working. Further, the Government have no power to direct the action of the district boards in this respect. It is widely felt that motor vehicle traffic is inadequately controlled in this Presidency.

4. Motor lorries not plying for hire have to obtain licences from the president of every district board and the executive authority of every municipal council concerned, under section 166 of the Madras Local Boards and section 174-A of the Madras District Municipalities Acts respectively. It will be an advantage if such lorries obtain permits from the police instead, in the same way as motor lorries plying for hire.

5. It is accordingly proposed to repeal section 166 of the Madras Local Boards and section 174-A of the Madras District Municipalities Acts and to provide in the rules issued under the Indian Motor Vehicles Act, 1914, for the constitution of Traffic Boards in each district which will exercise functions similar to those exercised by the existing informal committees, and for the constitution of a Central Board of Control, subordinate to the Provincial Government, which will hear appeals from the orders of the District Traffic Boards and lay down regulations for controlling the action of those boards in regard to motor traffic affecting more than one district. The decisions of the Central Board will be final and the decisions of the Traffic Boards and the Central Board will not be liable to be contested in a civil court. Only one permit will be issued and that by the police according to the decisions of the Traffic Boards.

6. The repeal of section 166 of the Local Boards and section 174-A of the District Municipalities Acts entails the abolition of the licence fees now levied on motor lorries and on motor vehicles plying for hire by district boards and municipal councils. This makes it necessary to make good to local bodies the loss of income which will be suffered by them. It is proposed to enhance the provincial motor vehicle taxation to the necessary extent, and to contribute to local bodies out of the receipts an amount equal to the sums which they now receive from their licence fees. This will be advantageous to the local bodies because the local bodies will not hereafter have to incur any expenses in the matter of controlling motor vehicles through their licensing system.

7. It is also proposed to abolish the existing system of levying fees, under the Indian Motor Vehicles Act, in certain districts which really amount to a tax, on motor vehicles plying for hire on Government roads.

8. Lorries are to be taxed on the basis of their laden weight instead of, as at present, on their unladen weight, and the distinction now made for taxation purposes between lorries plying for hire, lorries used for trade purposes and other lorries is to be obliterated. The common rates of taxation which will be applicable in future to all lorries will not however be fixed at a level as high as that now applicable to lorries plying for hire.

9. Section 10 of the Madras Motor Vehicles Taxation Act, 1931, provides for the deduction of the cost of collection from the gross receipts ; but this is not sufficient. Government have to incur additional expenditure for a fuller and more efficient control of motor vehicular traffic, and it is necessary to make a deduction for such expenditure also. District boards and municipal councils will be relieved of their responsibility for the control of motor traffic and it is in the interests of these bodies themselves that there should be this fuller control.

10. The proposals contained in the Bill are put forward on the basis that no great increase should be made, with a view to additional revenue, in the total of the taxes and licence fees imposed on the motor industry which is heavily burdened already.

K. RAMAN MENON.

Government of Madras

LEGAL DEPARTMENT

G.O. No. 42, 4th March 1938

Bill—Madras Suppression of Immoral Traffic (Amendment) Bill, 1938—Publication ordered under the proviso to rule 73 of the Madras $\frac{\text{Assembly}}{\text{Council}}$ Rules.

Order—No. 42, Legal, dated 4th March 1938.

The order of His Excellency the Governor directing the publication of the Madras Suppression of Immoral Traffic (Amendment) Bill, 1938, is annexed to these proceedings.

2. The Bill, with the statement of objects and reasons, will be published in the *Fort St. George Gazette* in English and in the Tamil, Telugu, Malayalam, Kanarese and Hindustani languages.

3. The Hon'ble Mr. K. Raman Menon will be in charge of the Bill.

(By order of His Excellency the Governor)

P. Appu Nair,
Secretary to Government.

To the Superintendent, Government Press.
" Senior Translator to Government.
" Education and Public Health Department.
" Home Department.
" Secretary, Madras Legislature.
" Governor's Secretary.

[Annexure

ANNEXURE.

Order of His Excellency the Governor.

Under the proviso to rule 73 of the Madras $\frac{\text{Assembly}}{\text{Council}}$ Rules, His Excellency the Governor directs the publication of the Madras Suppression of Immoral Traffic (Amendment) Bill, 1938, with the statement of objects and reasons.

APPENDIX

Bill to be introduced in the Legislative $\frac{\text{Assembly}}{\text{Council}}$ of the Province of Madras.

Under the proviso to rule 73 of the Madras $\frac{\text{Assembly}}{\text{Council}}$ Rules, the following Bill together with the statement of objects and reasons, is published for general information :—

A Bill further to amend the Madras Suppression of Immoral Traffic Act, 1930, *for certain purposes.*

WHEREAS it is expedient further to amend the Madras Suppression of Immoral Traffic Act, 1930, for the purposes hereinafter appearing; It is hereby enacted as follows :— Madras Act V of 1930.

Short title.

1. This Act may be called the Madras Suppression of Immoral Traffic (Amendment) Act, 1938.

Insertion of new section 8-A in Madras Act V of 1930.

2. After section 8 of the Madras Suppression of Immoral Traffic Act, 1930 (hereinafter referred to as the said Act), the following section shall be inserted, namely :— Madras Act V of 1930.

Punishment for living on the earnings of prostitution.

"8-A. (1) Any person not below the age of eighteen years who knowingly lives, wholly or in part, on the earnings of the prostitution of another person shall be punished with imprisonment which may extend to two years or with fine which may extend to one thousand rupees or with both.

(2) Where any person is proved—

(*a*) to be living with, or to be habitually in the company of, a prostitute, or

(*b*) to have exercised control, direction or influence over the movements of a prostitute in such a manner as to show that such person is aiding, abetting or compelling her prostitution with any other person or generally,

it shall be presumed until the contrary is proved that such person is knowingly living on the earnings of the prostitution of another within the meaning of sub-section (1) :

Provided that the mother, or a son or daughter, of a prostitute shall not be punished under sub-section (1) for living on the earnings of such prostitute unless the Court is satisfied that such mother, son or daughter is aiding, abetting or compelling her prostitution.

(3) Sub-sections (1) and (2) shall not apply to the following relatives of a prostitute belonging to any caste or community which is accustomed to dedicate girls to temples :—

(*a*) the paternal grandfather, the paternal grandmother, the maternal grandfather and the maternal grandmother;

(b) any lineal descendant of the paternal grandfather and grandmother or of the maternal grandfather and grandmother; and

(c) the wife or husband of any such lineal descendant."

3. For section 13 of the said Act, the following section shall be substituted, namely:— Substitution of new section for section 13, Madras Act V of 1930.

"13. (1) Any Police officer not below the rank of Inspector may arrest without a warrant any person who has been concerned in any offence punishable under section 5, 8-A, 9, 10, 11 or 12 or against whom a reasonable complaint has been made or credible information has been received or a reasonable suspicion exists of his having been concerned in any such offence: Arrest without a warrant.

Provided that a person concerned or alleged or suspected to be concerned in an offence punishable under section 12 shall be arrested under this section only if the name and address of such person be unknown to the Police officer and cannot be ascertained by him then and there, or if he has reason to suspect that a false name and address have been given.

(2) Any Police officer authorized in this behalf by the Commissioner of Police or the Superintendent of Police by special order, may arrest without a warrant any person committing in his view any offence punishable under section 9, 10, 11 or 12, if the name and address of such person be unknown to such Police officer and cannot be ascertained by him then and there, or if he has reason to suspect that a false name and address have been given."

4. For section 14 of the said Act, the following section shall be substituted, namely:— Substitution of new section for section 14, Madras Act V of 1930.

"14. Notwithstanding anything contained in any other law for the time being in force, any Police officer not below the rank of Inspector, and any other Police officer authorized in this behalf by the Commissioner of Police or the Superintendent of Police by special order, may, for the purpose of ascertaining whether an offence punishable under section 5, 8-A, 9, 10, 11 or 12 has been or is being committed, enter without a warrant any premises in which he has reason to believe that any woman or girl is living in respect of whom an offence punishable under section 5, 8-A, 9, 10, 11 or 12 has been committed." Power to enter premises.

5. In section 15 of the said Act, after the word and figure "sections 5", the figure and letter "8-A," shall be inserted. Amendment of section 15, Madras Act V of 1930.

STATEMENT OF OBJECTS AND REASONS.

Sections 9 and 11 of the Madras Suppression of Immoral Traffic Act, 1930 (Madras Act V of 1930), contain certain provisions for the punishment of procurers and others who induce women or girls to become, or are otherwise responsible for their becoming, prostitutes. Experience of the working of these sections has revealed that it is extremely difficult to obtain sufficient evidence to sustain a successful prosecution. To remedy this defect, it is proposed to make living on the earnings of prostitution an offence and to shift the burden of proof on to the accused if he is shown to be living with or habitually in the company of a prostitute or to be directing her movements. The mother and the children of a prostitute will not however be liable to punishment unless they are proved to have aided, abetted or compelled her prostitution. A special exemption has also been made in the case of close relatives of persons belonging to castes and communities which are accustomed to dedicate girls to temples, as the new provisions will cause considerable hardship to them.

2. Offences under the Act are not cognizable as the Act now stands and consequently much difficulty is felt in securing trustworthy and genuine evidence for the prosecution. The proposed amendments to existing sections 13 and 14 of the Act remedy this defect, while at the same time preventing any possible abuse of power by the Police by entrusting the new powers only to Police officers of and above the rank of Inspector.

K. RAMAN MENON.

51

Government of Madras

LEGAL DEPARTMENT

G.O. No. 43, 5th March 1938

Bill—Madras Tolls and Motor Vehicles Taxation (Amendment) Bill, 1938—Publication ordered under the proviso to rule 73 of the Madras Assembly Rules.

Order—No. 43, Legal, dated 5th March 1938.

The order of His Excellency the Governor directing the publication of the Madras Tolls and Motor Vehicles Taxation (Amendment) Bill, 1938, is annexed to these proceedings.

2. The Bill, with the statement of objects and reasons, will be published in the *Fort St. George Gazette* in English and in the Tamil, Telugu, Malayalam, Kanarese and Hindustani languages.

3. The Hon'ble Mr. K. Raman Menon will be in charge of the Bill.

(By order of His Excellency the Governor)

P. Appu Nair,
Secretary to Government.

To the Superintendent, Government Press.
" Senior Translator to Government.
" Education and Public Health Department.
" Home Department.
" Secretary, Madras Legislature.
" Governor's Secretary.

[Annexure

ANNEXURE.

Order of His Excellency the Governor.

Under the proviso to rule 73 of the Madras Assembly Rules, His Excellency the Governor directs the publication of the Madras Tolls and Motor Vehicles Taxation (Amendment) Bill, 1938, with the statement of objects and reasons.

APPENDIX.

Bill to be introduced in the Legislative Assembly of the Province of Madras.

Under the proviso to rule 73 of the Madras Assembly Rules, the following Bill, together with the statement of objects and reasons, is published for general information :—

A Bill further to amend the Indian Tolls Act, 1851, *in its application to the Province of Madras and the Madras Motor Vehicles Taxation Act,* 1931, *for certain purposes.*

WHEREAS it is expedient further to amend the Indian Tolls Act, 1851, in its application to the Province of Madras and the Madras Motor Vehicles Taxation Act, 1931, for the purposes hereinafter appearing; It is hereby enacted as follows :— **VIII of 1851.** **Madras Act III of 1931.**

Short title. **1.** This Act may be called the Madras Tolls and Motor Vehicles Taxation (Amendment) Act, 1938.

Substitution of new section for section 2, Act VIII of 1851. **2.** For section 2 of the Indian Tolls Act, 1851 (hereinafter referred to as the said Act), the following section shall be substituted, namely :— **VIII of 1851.**

Power of Provincial Government to levy tolls on roads and bridges. "2. (1) The Provincial Government may levy tolls in respect of—

(*a*) any road or bridge made, improved or repaired at their expense after the 1st April 1931, and

(*b*) any bridge made, improved or repaired after the 1st April 1931, partly at the expense of the Provincial Government and partly at the expense of a local body or bodies or solely at the expense of a local body or bodies, provided that the total expense incurred on the bridge shall not be below such limit, if any, as the Provincial Government may, by rules, determine.

(2) The tolls shall be levied only at such rates and for such period as the Provincial Government may by notification in the Official Gazette declare to be necessary—

(*a*) in the case of tolls levied under clause (*a*) of sub-section (1), for the recovery of the amount expended upon the road or bridge or such portion of such amount as the Provincial Government may determine, together with interest thereon at such rate as they may fix; and

(*b*) in the case of tolls levied under clause (*b*) of sub-section (1), for the recovery of the amounts expended upon the bridge—

(i) by the Provincial Government, and

(ii) by the local body or bodies otherwise than from its or their ordinary revenues,

or such portions of such amounts as the Provincial Government may determine, together with interest on such amounts or such portions, as the case may be at, such rate or rates as they may fix.

(3) Where tolls are levied in respect of any bridge under clause (*b*) of sub-section (1), the receipts from the tolls after deducting the expenses on account of the collection thereof, shall—

(i) in case the bridge is made, improved or repaired solely at the expense of a local body, be paid to that local body, and

(ii) in other cases, be distributed between the local body or bodies concerned and the Provincial Government in proportion to the expenditure respectively incurred by the local bodies otherwise than from their ordinary revenues and by the Government.

(4) All sums payable to local bodies under sub-section (3) shall be charged on the revenues of the Province.

(5) The Provincial Government may place the collection of the tolls levied under sub-section (1) under the management of such persons as may appear to them proper; and all persons employed in the management and collection of such tolls shall be liable to the same responsibilities as would belong to them if employed in the collection of land revenue."

Addition of new section 9 in Act VIII of 1851.

3. After section 8 of the said Act, the following section shall be added, namely:—

Power of Provincial Government to make rules.

" 9. The Provincial Government shall have power to make rules regarding the method of collection of the tolls, the manner of distribution of the receipts therefrom, and generally for carrying out the purposes of this Act."

Madras Act III of 1931.

Repeal of section 14, Madras Act III of 1931.

4. Section 14 of the Madras Motor Vehicles Taxation Act, 1931, shall be omitted.

STATEMENT OF OBJECTS AND REASONS.

Section 14 of the Madras Motor Vehicles Taxation Act, 1931 (Madras Act III of 1931) restricts the power of the Provincial Government to levy tolls under the Indian Tolls Act, 1851 (VIII of 1851) to roads and bridges which are made or repaired by the Provincial Government at their expense after the commencement of Madras Act III of 1931. Tolls can thus be levied only in respect of roads or bridges which are made or repaired at the expense of the Provincial Government. If a local body makes or repairs a bridge with the aid

of a grant from Government or of a loan, tolls cannot be levied. There seems to be no reason why the expenditure incurred by local bodies in such cases should not be recouped by the levy of tolls. It is proposed to repeal section 14 of the Madras Motor Vehicles Taxation Act, 1931, and to amend the Indian Tolls Act, 1851, so as to give power to Government to levy tolls where a bridge is constructed or repaired at the expense exclusively of a local body or bodies or partly of a local body or bodies and partly of the Provincial Government. The tolls will however be levied by the Provincial Government and not by the local body or bodies. The levy is to be restricted to the recoupment of the expenditure actually incurred together with interest thereon and is not to be made for the purpose of augmenting the revenues either of local bodies or of the Government. Power has been taken to prescribe by rules a minimum limit of expenditure which should be reached before the levy of tolls on bridges can be sanctioned. The rate and the period of levy of the tolls will be determined by a notification in the Gazette, while the method of collection of the tolls and the manner of distribution of the receipts will be settled by rules made under the Act.

K. RAMAN MENON.

Government of Madras

LEGAL DEPARTMENT

G.O. No. 56, 19th March 1938

Act—Madras Motor Vehicles Taxation (Amendment) Act, 1938—Publication ordered as Madras Act III of 1938.

Order—No. 56, Legal, dated 19th March 1938.

The Madras Motor Vehicles Taxation (Amendment) Act, 1938, will be published in the *Fort St. George Gazette* in English as Madras Act III of 1938.

(By order of His Excellency the Governor)

P. Appu Nair,
Secretary to Government.

To the Superintendent, Government Press.
,, Home Department.
,, Secretary, Madras Legislature.
,, Governor's Secretary.

[Appendix

APPENDIX.

The following Act of the Madras Legislature received the assent of His Excellency the Governor on the 17th March 1938 and is hereby published for general information:—

ACT No. III OF 1938.

An Act further to amend the Madras Motor Vehicles Taxation Act, 1931, for a certain purpose.

WHEREAS it is expedient further to amend the Madras Motor Vehicles Taxation Act, 1931, for the purpose hereinafter appearing: It is hereby enacted as follows:— Madras Act III of 1931.

Short title. 1. This Act may be called the Madras Motor Vehicles Taxation (Amendment) Act, 1938.

Amendment of section 10, Madras Act III of 1931. 2. In section 10 of the Madras Motor Vehicles Taxation Act, 1931, after sub-section (3), the following sub-section shall be added, namely:— Madras Act III of 1931.

"(4) All sums payable to local bodies under this section shall be expenditure charged on the revenues of the Province."

Government of Madras

LEGAL DEPARTMENT

G.O. No. 58, 22nd March 1938

Act—Madras Agriculturists Relief Act, 1938—Publication ordered as Madras Act IV of 1938.

Order—No. 58, Legal, dated 22nd March 1938.

The Madras Agriculturists Relief Act, 1938, will be published in the *Fort St. George Gazette*, in English and in the Tamil, Telugu, Malayalam, Kanarese and Hindustani languages, as Madras Act IV of 1938.

(By order of His Excellency the Governor)

P. Appu Nair,
Secretary to Government.

To the Superintendent, Government Press.
,, Senior Translator to Government.
,, Education and Public Health Department.
,, Development Department.
,, Secretary, Madras Legislature.
,, Governor's Secretary.

[Appendix

APPENDIX.

The following Act of the Madras Legislature received the assent of His Excellency the Governor-General on the 11th March 1938 and is hereby published for general information :—

ACT No. IV OF 1938.

An Act to provide for the relief of indebted agriculturists in the Province of Madras.

WHEREAS it is expedient to provide for the relief of indebted agriculturists in the Province of Madras; It is hereby enacted as follows :—

CHAPTER I—PRELIMINARY.

Short title. 1. This Act may be called the Madras Agriculturists Relief Act, 1938.

Extent. 2. It extends to the whole of the Province of Madras.

Definitions. 3. In this Act, unless there is anything repugnant in the subject or context,

(i) ' person ' means an individual and includes an undivided Hindu family, a marumakkattayam or aliyasantana tarwad or tavazhi, but does not include a body corporate, a charitable or religious institution or an unincorporated company or association;

(ii) ' agriculturist ' means a person who—

(*a*) has a saleable interest in any agricultural or horticultural land in the Province of Madras, not being land situated within a municipality or cantonment, which is assessed by the Provincial Government to land revenue (which shall be deemed to include peshkash and quit-rent), or which is held free of tax under a grant made, confirmed or recognized by Government; or

(*b*) holds an interest in such land under a landholder under the Madras Estates Land Act, 1908, as tenant, ryot or under-tenure holder; or *(Madras Act I of 1908.)*

(*c*) holds an interest in such land, recognized in the Malabar Tenancy Act, 1929; or *(Madras Act XIV of 1930.)*

(*d*) holds a lease of such land from any person specified in sub-clause (*a*), (*b*) or (*c*) or is a sub-lessee of such land:

Provided that a person shall not be deemed to be an ' agriculturist ' if he—

(A) has in either of the two financial years ending 31st March 1938 been assessed to income-tax under the Indian Income-tax Act, 1922, or under the income-tax laws of any Indian State, or foreign government; or *(Act XI of 1922.)*

(B) has within the two years immediately preceding the 1st October 1937 been assessed to profession-tax on a half-yearly income of more than three hundred rupees derived from a profession other than agriculture under the Madras District Municipalities Act, 1920, the Madras City Municipal Act, 1919, the Cantonments Act, 1924, or any law governing municipal or local bodies in any other Province in British India, any Indian State or any foreign State in India, or under the Madras Local Boards Act, 1920, in a panchayat which was a union before the 26th August 1930; or

Madras Act V of 1920. Madras Act IV of 1919. Act II of 1924.

Madras Act XIV of 1920.

(C) has within the two years immediately preceding the 1st October 1937, been assessed to property or house tax in respect of buildings or lands other than agricultural lands, under the Madras District Municipalities Act, 1920, the Madras City Municipal Act, 1919, the Cantonments Act, 1924, or any law governing municipal or local bodies in any other province in British India or any Indian State, or under the Madras Local Boards Act, 1920, in a panchayat which was a union before the 26th August 1930, provided that the aggregate annual rental value of such buildings and lands, whether let out or in the occupation of the owner, is not less than Rs. 600; or

Madras Act V of 1920. Madras Act IV of 1919. Act II of 1924.

Madras Act XIV of 1920.

(D) is a landholder of an estate under the Madras Estates Land Act, 1908, or of a share or portion thereof in respect of which estate, share or portion any sum exceeding Rs. 500 is paid as peshkash or any sum exceeding Rs. 100 is paid as quit-rent, jodi, kattubadi, poruppu or the like, or is a janmi under the Malabar Tenancy Act, 1929, who pays any sum exceeding Rs. 500 as land revenue to the Provincial Government.

Madras Act I of 1908.

Madras Act XIV of 1930.

Explanation.—The annual rental value of any building or land for the purposes of proviso (C) shall—

(1) where the assessment is based on the annual rental value, be deemed to be such value;

(2) where the assessment is based on the capital value, be deemed to be five per cent of the capital value; and

(3) in any other case, be deemed to be the value ascertained in the prescribed manner;

(iii) ' debt ' means any liability in cash or kind, whether secured or unsecured, due from an agriculturist, whether payable under a decree

or order of a civil or revenue court or otherwise, but does not include rent as defined in clause (iv), or 'kanartham' as defined in section 3 (*l*) (1) of the Malabar Tenancy Act, 1929; Madras Act XIV of 1930.

(iv) 'rent' means rent as defined by the Madras Estates Land Act, 1908, or rent or michavaram as defined by the Malabar Tenancy Act, 1929, or quit-rent, jodi, kattubadi, poruppu or the like, payable to the landholder of an estate as defined by the Madras Estates Land Act, 1908, whether a decree or order of a civil or revenue court has been obtained therefor or not, and includes interest payable thereon but does not include costs incurred in respect of the recovery thereof through a civil or revenue court or the share of the land cess recoverable by the landholder under section 88 of the Madras Local Boards Act, 1920; and Madras Act I of 1908. Madras Act XIV of 1930. Madras Act I of 1908 Madras Act XIV of 1920.

(v) 'creditor' includes his heirs, legal representatives and assigns.

Certain debts and liabilities not to be affected.

4. Nothing in this Act shall affect debts and liabilities of an agriculturist falling under the following heads :—

(*a*) any revenue, tax or cess payable to the Provincial Government or any other sum due to them, by way of loan or otherwise;

(*b*) any revenue, tax or cess payable to the Central Government or any other sum due to them, by way of loan or otherwise;

(*c*) any tax or cess payable to any local authority or any other sum due to them, by way of loan or otherwise;

(*d*) any debt contracted on the security of house property alone in a municipality, a cantonment, or a panchayat which was a union before the 26th August 1930;

(*e*) any liability in respect of any sum due to any co-operative society, including a land mortgage bank, registered or deemed to be registered under the Madras Co-operative Societies Act, 1932, or any debt due to any corporation formed in pursuance of an Act of Parliament or of any special Indian law or Royal Charter or Letters Patent; Madras Act VI of 1932.

(*f*) any liability arising out of a breach of trust;

(*g*) any liability in respect of maintenance whether under decree of court or otherwise;

(*h*) any debt or debts due to a woman on the 1st October 1937 who on that date did not own any other property, provided that the principal amount of the debt or debts did not exceed rupees three thousand.

Explanation.—For the purpose of this clause, the house in which the creditor woman lived, or any furniture therein, or her household

utensils, wearing apparel, jewellery, or such like personal belongings shall not be regarded as property.

(*i*) any wages due to an agricultural or other rural labourer :

Provided that where the liabilities mentioned in clause (*e*) arise by reason of an assignment to the co-operative society, such assignment has taken place before the 1st October 1937 or is an assignment to such society of a loan granted by a co-operative society.

Special provision for undivided Hindu families, etc.

5. Where an undivided Hindu family other than a marumakkattayam or aliyasantana tarwad or tavazhi is assessed to the taxes specified in provisos (A), (B) and (C) to section 3 (ii), or falls within the category of persons specified in proviso (D) to the same section, no person who was a member of the family on the 1st October 1937 shall be deemed to be an agriculturist for the purposes of this Act except section 13.

Sons and descendants of non-agriculturist members of Hindu families to be non-agriculturists.

6. Where in an undivided Hindu family other than a marumakkattayam or aliyasantana tarwad or tavazhi which is an "agriculturist" within the meaning of section 3 (ii), any member of the family is not an agriculturist, then, notwithstanding anything contained in section 3 (ii), none of his sons and descendants in the male line shall be deemed to be an agriculturist for the purposes of sections 7 to 12 and 19 to 27 of this Act.

CHAPTER II—SCALING DOWN OF DEBTS AND FUTURE RATE OF INTEREST.

Debts payable by agriculturists to be scaled down.

7. Notwithstanding any law, custom, contract or decree of court to the contrary, all debts payable by an agriculturist at the commencement of this Act, shall be scaled down in accordance with the provisions of this Chapter.

No sum in excess of the amount as so scaled down shall be recoverable from him or from any land or interest in land belonging to him; nor shall his property be liable to be attached and sold or proceeded against in any manner in the execution of any decree against him in so far as such decree is for an amount in excess of the sum as scaled down under this Chapter.

Provision for debts incurred before 1st October 1932.

8. Debts incurred before the 1st October 1932 shall be scaled down in the manner mentioned hereunder, namely:—

(1) All interest outstanding on the 1st October 1937, in favour of any creditor of an agriculturist whether the same be payable under law, custom or contract or under a decree of court and whether the debt or other obligation has ripened into a decree or not, shall

be deemed to be discharged, and only the principal or such portion thereof as may be outstanding shall be deemed to be the amount repayable by the agriculturist on that date.

(2) Where an agriculturist has paid to any creditor twice the amount of the principal whether by way of principal or interest or both, such debt including the principal, shall be deemed to be wholly discharged.

(3) Where the sums repaid by way of principal or interest or both fall short of twice the amount of the principal, such amount only as would make up this shortage, or the principal amount or such portion of the principal amount as is outstanding, whichever is smaller, shall be repayable.

(4) Subject to the provisions of sections 22 to 25, nothing contained in sub-sections (1), (2) and (3) shall be deemed to require the creditor to refund any sum which has been paid to him, or to increase the liability of a debtor to pay any sum in excess of the amount which would have been payable by him if this Act had not been passed.

Explanation.—Where a debt has been renewed or included in a fresh document in favour of the same creditor, the principal originally advanced by the creditor together with such sums, if any, as have been subsequently advanced as principal shall alone be treated as the principal sum repayable by the agriculturist under this section.

Provision for debts incurred on or after 1st October 1932.

9. Debts incurred on or after the 1st October 1932 shall be scaled down in the manner mentioned hereunder, namely:—

(1) Interest shall be calculated up to the commencement of this Act at the rate applicable to the debt under the law, custom, contract or decree of Court under which it arises or at five per cent per annum simple interest, whichever is less and credit shall be given for all sums paid towards interest, and only such amount as is found outstanding, if any, for interest thus calculated shall be deemed payable together with the principal amount or such portion of it as is due:

Provided that any part of the debt which is found to be a renewal of a prior debt shall be deemed to be a debt contracted on the date on which such prior debt was incurred, and if such debt had been contracted prior to the 1st October 1932, shall be dealt with under the provisions of section 8.

(2) Subject to the provisions of sections 22 to 25, nothing herein contained shall be deemed to require the creditor to refund any sum which has been paid to him or to increase the liability of the debtor to pay any sum in excess of the amount which would have been payable by him if this Act had not been passed.

10. (1) The provisions of sections 8 and 9 shall not apply to any person who, though an agriculturist as defined in section 3 (ii), did not on the 1st October 1937, hold an interest in, or a lease or sub-lease of, any land as specified in that section. **Exceptions.**

(2) Nothing contained in sections 8 and 9 shall affect—

(i) any mortgage by virtue of which the mortgagee is in possession of the property mortgaged, where no rate of interest is stipulated as due to the mortgagee, or

(ii) any liability for which a charge is provided under section 55, clause 4, sub-clause (*b*) of the Transfer of Property Act, or

(iii) any liability in respect of any sum due to any public company as defined in the Indian Companies Act, 1913, or to any scheduled bank as defined by section 2 (*e*) of the Reserve Bank of India Act, 1934, if the interest payable in respect of the liability is not more than nine per cent per annum.

11. Where a debt payable by an agriculturist includes any sum decreed as costs by any Court, or sums lawfully expended by a mortgagee or other person in order to preserve the property mortgaged, such sum or sums shall be recoverable in addition to the sum recoverable under the provisions of sections 8 and 9. **Provision as to costs, etc. in certain cases.**

12. All debts which have been scaled down under the provisions of this Act shall, so far as any sum remains payable thereunder, carry from the date up to which they have been scaled down interest on the principal amount due on that date at the rate previously applicable under law, custom, contract or otherwise: **Rate of interest payable by agriculturists on old loans.**

Provided that it shall not in any case exceed $6\frac{1}{4}$ per cent per annum simple interest, that is to say, one pie per rupee per mensem, simple interest, or one anna per rupee per annum simple interest.

13. In any proceeding for recovery of a debt, the court shall scale down all interest due on any debt incurred by an agriculturist after the commencement of this Act, so as not to exceed a sum calculated at $6\frac{1}{4}$ per cent per annum, simple interest, that is to say, one pie per rupee per mensem simple interest, or one anna per rupee per annum simple interest: **Rate of interest payable by agriculturists on new loans.**

Provided that the Provincial Government may, by notification in the Official Gazette, alter and fix any other rate of interest from time to time.

Explanation.—For the purposes of this section, the definition of 'agriculturist' in section 3 (ii) shall be read as if—

(i) in proviso (A) to that section, for the expression "the two financial years ending 31st March 1938," the expression "the two financial years ending on the 31st March immediately preceding the date on which the debt is incurred" were substituted; and

(ii) in provisos (B) and (C) to that section, for the expression "the two years immediately preceding the 1st October 1937," the expression "the two years ending on the 31st March or the 30th September (whichever is later) immediately preceding the date on which the debt is incurred" were substituted.

Separation of share of debt in particular cases.

14. Notwithstanding anything contained in section 3 (ii) and subject to the provisions of sections 5 and 6, where in a Hindu family, whether divided or undivided, some of the members liable in respect of a family debt are not agriculturists while others are agriculturists, the creditor shall, notwithstanding any law to the contrary, be entitled to proceed—

(*a*) against the non-agriculturist member or members and his or their share of the family property, to the extent only of his or their proportionate share of the debt ; and

(*b*) against the agriculturist member or members and his or their share of the family property, to the extent only of his or their proportionate share of the debt which shall be scaled down in accordance with the provisions of this Act.

CHAPTER III—Arrears of Rent.

Conditional discharge of arrears of rent due to landholders, etc.

15. (1) All rent payable by an agriculturist to a landholder or an under-tenure holder under the Madras Estates Land Act, 1908, or to a janmi or intermediary under the Malabar Tenancy Act, 1929, which has accrued for the fasli year 1345 and prior faslis and which is outstanding on the date of the commencement of this Act shall be deemed to be discharged whether the rent be due as such or whether a decree has been obtained therefor :

Madras Act I of 1908. Madras Act XIV of 1930.

Provided that where the person liable to pay rent (hereinafter in this section referred to as 'tenant') does not, on or before the 30th September 1939, pay up all arrears of rent accrued in respect of any holding for faslis 1346 and 1347, the arrears of rent for fasli 1345 and prior faslis which were outstanding in respect of the same holding on the date of the commencement of this Act shall be deemed to be discharged only in the same proportion as the rent due for faslis 1346 and 1347 which is paid up by the ryot or tenant bears to the rent due for those two faslis :

Provided further that no tenant shall be entitled to the benefit of this section unless he shall have paid in respect of the holding, the rent due for fasli 1347 on or before the 30th September 1938.

Explanation.—In cases governed by the Malabar Tenancy Act, 1929, any reference to a fasli year in this Chapter shall be deemed to be a reference to the agricultural year as defined in the Malabar Tenancy Act, 1929, which contains the greater part of the fasli year.

Madras Act XIV of 1930.

Madras Act XIV of 1930.

Illustrations.—(*a*) A ryot or tenant is in arrear at the commencement of this Act in respect of rent for a

particular holding for fasli 1345 and prior faslis in the sum of Rs. 500 and is in arrear on that date in respect of rent for the same holding for faslis 1346 and 1347, the rent for each fasli being Rs. 100. Within the 30th September 1938 he pays the rent for fasli 1347 and within 30th September 1939, he pays the rent for fasli 1346. The arrears of rent of Rs. 500 which were outstanding at the commencement of this Act will be deemed to be discharged.

(*b*) A sum of Rs. 500 representing the arrears of rent in respect of a particular holding for fasli 1345 and prior faslis and the rents for faslis 1346 and 1347 for that holding are in arrear and outstanding at the commencement of this Act, the rent for each fasli being Rs. 100. The ryot or tenant pays the landholder within 30th September 1938 the rent for fasli 1347 but fails to pay within the 30th September 1939 any portion of the rent for fasli 1346. Only a sum of Rs. 250 or one half of the rent of faslis prior to and inclusive of fasli 1345 will be deemed to be discharged.

(*c*) In the same case, the ryot or tenant does not pay the landholder within the 30th September 1938 the whole of the rent for fasli 1347. No portion of the arrears for fasli 1345 and prior faslis is discharged, and the ryot loses the benefit of this section.

(*d*) In the same case, the ryot or tenant pays the landholder within 30th September 1938 the rent for fasli 1347, but pays within 30th September 1939 only Rs. 50, being half the rent for fasli 1346. He has thus paid Rs. 150 out of Rs. 200 being the rent of both the faslis 1346 and 1347, before 30th September 1939. A sum of Rs. 375, or three-fourths of the rent of faslis prior to and inclusive of fasli 1345 will be allowed to be discharged.

(2) Nothing contained in sub-section (1) shall be deemed to effect a discharge of arrears of rent which accrued due for fasli 1345 if proceedings for the recovery of such arrears stood stayed by an Act of the Legislature or by an order of a Court or if such proceedings, if instituted, would have stood so stayed. But the arrears of rent for fasli 1345 shall not be recoverable until the 30th September 1938 or if the rent for fasli 1347 is paid before that date, until the 30th September 1939.

Madras Act I of 1908.

(3) Notwithstanding anything to the contrary in any agreement or in section 64 of the Madras Estates Land Act, 1908, any payment of rent made by a tenant after the commencement of this Act shall be credited towards the rent due by him for fasli 1347 in the first instance and for fasli 1346 in the next instance, and not towards the rent due for any previous fasli.

(4) Every tenant shall be at liberty to pay into Court any amount towards the rent due or claimed to be due by him for faslis 1347 or 1346 or both and thereupon the Court shall, after notice to the landholder, under-tenure holder, janmi or intermediary, as the case may be, apply the provisions of this Act and determine whether the whole or only a portion of the

rent for the faslis aforesaid has been paid by the tenant, and also the extent of the remaining liability, if any, of the tenant for rent under the provisions of this Act.

Explanation.—For the purposes of this sub-section, 'Court' shall mean the Collector referred to in section 209 (1) of the Madras Estates Land Act, 1908, or the Court referred to in section 3 (*b*) of the Malabar Tenancy Act, 1929, as the case may be.

Madras Act I of 1908.

Madras Act XIV of 1930.

Landholder to be entitled to recover land cess and costs.

16. Notwithstanding anything contained in this chapter, a landholder or an under-tenure holder under the Madras Estates Land Act, 1908, or a janmi or intermediary under the Malabar Tenancy Act, 1929, shall be entitled to recover, in addition to any sum recoverable by him under section 15—

Madras Act I of 1908.

Madras Act XIV of 1930.

(*a*) the land cess, if any, paid by him and recoverable under section 88 of the Madras Local Boards Act, 1920;

Madras Act XIV of 1920.

(*b*) the land revenue and water cess, if any, paid by him to the Provincial Government which the tenant was bound to pay by virtue of any law, custom, contract or decree of court governing the tenancy; and

(*c*) the costs awarded to him in any decree for rent obtained by him.

Extension of limitation for suits, etc., for rent in certain cases.

17. Notwithstanding anything contained in the Madras Estates Land Act, 1908, or the Malabar Tenancy Act, 1929, or in any law of limitation or procedure in force for the time being, no suit or execution proceedings in respect of arrears of rent accrued for fasli 1345 or any prior fasli which, under the existing law, would become barred between the 1st October 1937 and the 30th September 1938, shall be so barred and the landholder, under-tenure holder, janmi or intermediary, as the case may be, shall be entitled to file a suit or institute execution proceedings for recovery thereof, on or before the 31st December 1938; and in cases where the rent due for fasli 1347 has been paid before the 30th September 1938, the period of limitation for any suit or execution proceedings for the recovery of any arrears of rent which, under the existing law, would become barred between the 1st October 1937 and the 30th September 1939, shall stand extended until the 31st December 1939:

Madras Act I of 1908.

Madras Act XIV of 1930.

Provided that where on the 31st December 1938 or the 31st December 1939, as the case may be, an application under sub-section (4) of section 15 is pending in any Court, the period of limitation prescribed by this section shall stand extended until the expiry of a period of two months from the date of the order on such application.

CHAPTER IV—PROCEDURE AND MISCELLANEOUS.

Provision as to costs in certain cases.

18. (1) Where a decree is passed against an agriculturist in a suit filed on or after the 1st October 1937, the Court shall allow only such costs as would have been allowable if the suit had been filed for the amount of

the debt as scaled down in accordance with the provisions of this Act, and where in any such case a decree has been passed before the commencement of this Act, the Court shall, on application by the agriculturist, amend the decree accordingly.

(2) Nothing in sub-section (1) shall apply to any suit instituted on or after the 1st October 1937 and before the commencement of this Act in respect of a claim which would be barred by limitation before the 1st April 1938.

Amendment of certain decrees.

19. Where before the commencement of this Act, a Court has passed a decree for the repayment of a debt, it shall, on the application of any judgment-debtor who is an agriculturist or in respect of a Hindu joint family debt, on the application of any member of the family whether or not he is the judgment-debtor or on the application of the decree-holder, apply the provisions of this Act to such decree and shall, notwithstanding anything contained in the Code of Civil Procedure, 1908, amend the decree accordingly or enter satisfaction, as the case may be:

Act V of 1908.

Provided that all payments made or amounts recovered, whether before or after the commencement of this Act, in respect of any such decree shall first be applied in payment of all costs as originally decreed to the creditor.

Stay of execution proceedings.

20. Every court executing a decree passed against a person entitled to the benefits of this Act, shall on application, stay the proceedings until the court which passed the decree has passed orders on an application made or to be made under section 19:

Provided that where within 60 days after the application for stay has been granted the judgment-debtor does not apply to the court which passed the decree for relief under section 19 or where an application has been so made and is rejected, the decree shall be executed as it stands, notwithstanding anything contained in this Act to the contrary.

Explanation.—The expression "the court which passed the decree" shall have the same meaning as in the Code of Civil Procedure, 1908.

Act V of 1908.

Adjudications in insolvency.

21. Nothing contained in this Act shall apply to the debts payable by any person who has been adjudicated an insolvent, if prior to the coming into force of this Act, a dividend has been declared out of his assets. If a dividend has not been so declared, this Act shall apply to the debts payable by such person if he would have been an agriculturist within the meaning of this Act but for his adjudication in insolvency.

Special provision in the case of certain sales of movable property.

22. Where, in execution of any decree, any movable property of an agriculturist has been sold on or after the 1st October 1937, any judgment-debtor may apply to the court for an order that the provisions of section 8 or 9, as the case may be and of sections 11 and 12 be applied to the decree, and the court, shall, if satisfied that the applicant is an agriculturist entitled to the benefits of those sections, apply the same

and order the decree-holder to refund any sum received by him on or after the 1st October 1937 in excess of the amount to which he would have been entitled if the property had not been sold:

Provided that no such order shall be made without notice to the decree-holder and without affording him an opportunity to be heard in the matter.

Sales of immovable property to be set aside in certain cases.

23. Where in execution of any decree any immovable property, in which an agriculturist had an interest, has been sold or foreclosed on or after the 1st October 1937, then, notwithstanding anything contained in the Indian Limitation Act, 1908, or in the Code of Civil Procedure, 1908, and notwithstanding that the sale has been confirmed, any judgment-debtor, claiming to be an agriculturist entitled to the benefits of this Act, may apply to the court within 90 days of the commencement of this Act to set aside the sale or foreclosure of the property, and the court shall, if satisfied that the applicant is an agriculturist entitled to the benefits of this Act, order the sale or foreclosure to be set aside, and thereupon the sale shall be deemed not to have taken place at all:

Act IX of 1908. Act V of 1908.

Provided that no such order shall be made without notice to the decree-holder, the auction purchaser, and other persons interested in such sale or foreclosure and without affording them an opportunity to be heard in the matter.

Consequential provision on setting aside of sale.

24. Where a sale is set aside under the preceding section, a purchaser shall be entitled to an order for repayment of any purchase money paid by him against the person to whom it has been paid:

Provided that no poundage shall be payable in respect of any such sale and provided further that where poundage has been collected the court shall direct the same to be refunded.

Alienations by debtor.

25. All alienations of immovable property made by an agriculturist debtor on or after the 1st October 1937 shall be invalid as against every creditor whose sale in execution or foreclosure decree has been set aside under section 23 or who became entitled to rateable distribution of the proceeds of such sale under section 73 of the Code of Civil Procedure, 1908.

Act V of 1908.

District Collector to furnish information as to certain facts.

26. Any creditor may apply to the Collector of the district in which the creditor believes his debtor to have been or to be assessed to income-tax in terms of proviso (A) to section 3 (ii) or to profession, property or house tax under the Cantonments Act, 1924, in terms of provisos (B) and (C) to that section, for information as to the above facts and the Collector shall thereupon ascertain such information and grant to such creditor a memorandum in the prescribed form as to whether the debtor has been so assessed to income-tax or to profession, property or house tax. Such memorandum shall be received in every court as evidence of the facts stated therein.

Act II of 1924.

27. Any creditor may apply to the executive authority of a municipality, the president of a local board or the Revenue Officer of the Corporation of Madras for information as to whether his debtor was or is assessed to profession, property or house tax in terms of provisos (B) and (C) to section 3 (ii), and the executive authority, president or Revenue Officer shall thereupon grant to such creditor a certificate in the prescribed form as to whether the debtor named in the application has been so assessed to profession, property or house tax. Such certificate shall be received in every court as evidence of the facts stated therein.

Executive authorities of local bodies to furnish information as to certain facts.

28. (1) The Provincial Government may make rules for carrying into effect the purposes of this Act.

Power to make rules.

(2) In particular and without prejudice to the generality of the foregoing power, the Provincial Government may make rules—

(*a*) in regard to any matter which is required to be prescribed by this Act;

(*b*) prescribing the form of, and the fees to be paid in respect of, applications under this Act; and

(*c*) for removing any difficulty in giving effect to the provisions of this Act.

(3) All rules made under this section shall be consistent with the provisions of this Act. They shall be published in the Official Gazette and upon such publication shall have effect as if enacted in this Act.

Government of Madras

LEGAL DEPARTMENT

G.O. No. 61, 16th March 1937

Legal assistance to public officers (other than police officers)—Rules—Issued.

[Brought up to 1st April 1938.]

[Amendments issued after 16th March 1937.]

G.O. No. 246, Legal, dated 13th November 1937.

G.O. No. 268, Legal, dated 20th December 1937.

G.O. No. 29, Legal, dated 22nd February 1938.

READ—the following paper :—

G.O. No. 3470, Law (General), dated 12th September 1931.

Order—No. 61, Legal, dated 16th March 1937.

In supersession of the rules relating to legal assistance to Government servants, contained in Part III of the Annexure to G.O. No. 3470, Law (General), dated the 12th September 1931, as subsequently amended, the Government are hereby pleased to issue the following rules. These rules will not apply to police officers who will continue to be governed by the rules in Police Orders Nos. 224 and 224-A issued with G.O. Ms. No. 1539, Home, dated the 28th July 1936 :—

RULES FOR LEGAL ASSISTANCE TO PUBLIC OFFICERS.

Preliminary.

1. These rules shall apply to all persons (other than police officers) serving His Majesty in a civil capacity in connexion with the affairs of this Province, hereinafter referred to as public officers.

Replies to threats of Legal Proceedings.

2. A public officer who receives any communication containing a threat of civil or criminal proceedings against him for acts done in his official capacity should forthwith forward, through the proper channel, a copy of such communication, intimating whether he wishes to reply thereto or not, and if he proposes to send a reply submitting a copy of the proposed reply—

(a) in case the proceedings threatened are civil proceedings, to the head of his department; and

(b) in case the proceedings threatened are criminal proceedings, to the head of his department if he is serving in Madras City, and to the District Magistrate if he is serving in the mufassal.

3. The head of the department or the District Magistrate, as the case may be, should examine the case and the draft reply, if one is proposed to be sent, and give the officer such directions and make such changes in the draft reply as he may consider necessary. In doubtful cases, a reference should be made to the Government. A reply should be sent in the form in which it is approved or required to be sent by the head of the department, District Magistrate or Government, as the case may be.

4. Any failure on the part of a public officer to comply with the provisions of rule 2 or of rule 3 will be viewed as a breach of discipline and will also render him ineligible for legal assistance from the Government if proceedings are actually instituted against him.

5. The question of defending at the public expense a public officer who has received a communication containing a threat of legal proceedings against him need not ordinarily be taken up until the proceedings have been actually instituted. If, however, the head

of the department or the District Magistrate, as the case may be, considers that proceedings are likely to be instituted against the public officer, he may examine the question as soon as he receives a copy of the communication referred to in rule 2.

Defence of public officers in Civil and Criminal Proceedings.

6. (1) (*a*) Public officers will always be protected when it appears to the Government that they have acted in good faith, but the Government do not bind themselves to undertake their defence when this is not the case.

(*b*) Where an order sanctioning the defence of a public officer in any civil or criminal proceeding has been passed under these rules, the Government may, after the conclusion of the proceeding, for sufficient cause, cancel or revise such order.

(2) When the Government decline to defend, it rests with the officer concerned to take such measures as he considers necessary at his own expense, but if the verdict of the court is in his favour, the Government will ordinarily reimburse him for his expenditure. It is to be distinctly understood, however, that the Government do not undertake to pay any except reasonable expenses.

7. (1) When any civil suit is instituted against a public officer in respect of anything done or omitted to be done in connexion with the discharge of his official functions, the officer concerned should at once inform the head of his department through the head of his office.

(2) When any criminal prosecution is instituted against a public officer in respect of anything done or omitted to be done in connexion with the discharge of his official functions, the officer concerned should at once inform, through the head of his office, the head of the department concerned in Madras City and the District Magistrate in the mufassal.

8. In the case of a civil suit or a criminal prosecution against a public officer in connexion with the discharge of his official functions, the following procedure shall be adopted: —

Civil suits.

(*a*) (i) If on the date of the institution of the civil suit, the period of limitation, if any, laid down in that behalf by any special or local law governing such officer, has expired, or if the notice required by section 80 of the Code of Civil Procedure, 1908, has not been duly served on him. he shall at once move the court or cause the court to be moved to dismiss the suit on the ground that it was instituted contrary to the provisions aforesaid.

(ii) If however the provisions aforesaid have been complied with, he shall report forthwith to the head of his office, all the circumstances necessary to the forming of an opinion on the case. The head of the office shall thereupon, as soon as may be after making any enquiry that may be necessary, report the facts fully together with his recommendations to the head of the department who shall, after consulting the appropriate legal adviser of Government (the Government Pleader in the mufassal and the Government Solicitor in Madras City) forward the report for the orders of the Government.

(iii) Where the power to sanction the defence of a suit has been delegated to the head of the department, he shall himself issue the necessary orders after consulting the appropriate legal adviser of Government on receiving the report from the officer concerned.

NOTE.—The following officers have been empowered to accord final sanction for the defence of public officers under their control in civil cases where the fee of the lawyer who may be engaged for the defence in each case is not likely to exceed the limits noted against them:—

Chief Engineers—Rs. 300.
Director of Agriculture—Rs. 300.
Director of Industries—Rs. 300.
Director of Fisheries—Rs. 300.
Registrar of Co-operative Societies—Rs. 300.
Board of Revenue—Rs. 500.
Commissioner of Labour—Rs. 200.

(G.O. No. 2278, P.W.D., dated 6th November 1937, as amended by G.O. Ms. No. 307, P.W.D., dated 16th February 1938.)

(G.O. No. 2475, Development, dated 8th November 1937, as amended by Memorandum No. 926-IV/38-1, Development dated 14th February 1938.)

(G.O. No. 2577, Revenue, dated 11th December 1937, as amended by Memorandum No. 697-D/38-2. Revenue, dated 13th February 1938.)

(G.O. No. 1346, Home, dated 14th March 1938.)

Criminal Prosecutions.

(*b*) (i) The public officer against whom a criminal complaint is instituted shall see whether such complaint is barred by reason of having been instituted after the expiry of the period of limitation, if any, laid down in that behalf by any special or local law governing such officer and if it is so barred, he shall at once move the court or cause the court to be moved to dismiss it on the ground that it was instituted contrary to the provisions thereof.

(ii) Section 197 of the Code of Criminal Procedure, 1898, lays down a special procedure in regard to criminal prosecutions against certain classes of officers. In those cases there will always be sufficient time to obtain the orders of Government as to undertaking the defence of the officer, and the officer concerned shall report the facts fully to the head of his office who shall, after making any enquiry that may be necessary, report them to the District Magistrate in the mufassal and to the head of the department in Madras City. The District Magistrate or the head of the department, as the case may be, shall, after consulting the Public Prosecutor in the mufassal or the Crown Prosecutor in Madras City, forward the report for the orders of the Government.

(iii) In the case of criminal prosecutions against other classes of public officers, it may not be possible invariably to obtain the orders of the Government before the commencement of the proceedings. In such cases, if the fee of the lawyer who may be engaged for the defence will not exceed Rs. 35 per diem or Rs. 200 for the whole case, the District Magistrate (after consulting the head of the office concerned) in the mufassal, and the head of the department in Madras City, shall decide whether the defence shall be undertaken by the Government or not. If the fee is likely to exceed the above limits or if the District Magistrate and the head of the office concerned disagree regarding the defence of the accused officer, the District Magistrate or the head of the department, as the case may be, shall instruct the appropriate legal adviser of Government to appear for the accused officer in the initial proceedings and request the court to postpone the further hearing of the case, pending a decision by the Government as to whether he should be defended at the expense of the State or not. Where however the power to sanction the defence has been delegated to the District Magistrate or the head of the department, he shall himself issue the necessary orders on receiving the report from the officer concerned.

9. (*a*) If the Government or the officers acting on their behalf sanction the defence of a public officer, it will ordinarily be sufficient to engage a Government Pleader or a Public Prosecutor (the Government Solicitor or the Crown Prosecutor in Madras City) at the expense of the State and the incidental expenses, e.g., court-fees and batta for witnesses, will also be borne by the Government.

The District Magistrate or the head of the department who has power to sanction the defence of a public officer may also sanction the payment of incidental expenses up to a limit of Rs. 50. The sanction of the Government shall be obtained if the incidental expenses exceed Rs. 50.

(*b*) If in any case, any other counsel is engaged, the scale of fees to be paid to such counsel shall be fixed by the District Magistrate or the head of the department, with the sanction of the Government.

Provided that the Government may in such cases delegate the power to sanction fees up to such limits as may be prescribed by them to the District Magistrate or the head of the department.

(*c*) In petty cases, appearance in person or aid given by the prosecuting staff of the Police department may often be quite sufficient and where this is so, the employment of a pleader is superfluous.

10. If the officer wins the case and costs, damages or compensation are or is awarded to him, the expenditure incurred by the Government up to the limit of such costs, damages or compensation shall be refunded by him.

11. If in a civil or criminal proceeding instituted against a public officer, the court decides in his favour but an appeal is filed or other proceeding taken to secure a reversal or modification of the decision, the question whether such appeal or proceeding should be resisted at the cost of the State shall be decided in accordance with the foregoing rules.

12. If in a case in which the Government have undertaken the defence of an officer, the decision of the court is against him, the questions (*a*) whether an appeal should be filed or whether any other proceeding should be taken, at the cost of the State, to secure a reversal or modification of the decision; and (*b*) whether any damages awarded to the plaintiff or any fine imposed upon the officer should be paid by the State, shall be decided by the Government either on the application of the officer submitted through the head of his office or on the representation of the head of his office. In either case, the procedure laid down in rule 8 (*a*) or 8 (*b*), as the case may be, shall be followed.

13. If a public officer undertakes a journey in connexion with a civil or criminal case instituted against him for acts done in his official capacity and the defence of such case has been sanctioned, such public officer may be granted travelling allowance admissible to an officer of his grade while on tour.

14. As legal proceedings against public officers, particularly civil suits, must interfere with the discharge of their public duties and are likely to cause harassment to them, the District Magistrate or head of the department should impress on the counsel appearing for the officer concerned that he should request the court to deal with such proceedings with the utmost possible expedition.

Institution by public officers of Civil and Criminal Proceedings.

15. (1) The previous sanction of the Local Government shall be obtained in all cases where a public officer desires to institute a civil suit or a criminal prosecution against any person or persons in respect of any matter arising out of, or in connexion with, his conduct or his acts as such officer.

Nothing contained in this sub-rule shall be deemed to affect the operation of rule 21 of the Government Servants' Conduct Rules.

(2) In granting sanction to the institution of any such proceeding, whether under sub-rule (1) or under rule 22 of the Government Servants' Conduct Rules, the Local Government shall decide whether they will themselves bear the costs of the proceeding, or whether the officer should institute the proceeding at his own expense. In the latter case, in the event of a decision in favour of the officer, the Government shall decide whether to reimburse him to the extent of the whole or any part of the costs incurred by him.

(3) The Local Government may delegate their powers under sub-rules (1) and (2) to the head of a department in any case or class of cases.

(4) The provisions of rules 6 (1) (*b*), 7 to 12 and 13 shall apply, so far as may be, *mutatis mutandis*, to the institution of proceedings under this rule.

General.

16. Nothing in these rules shall be deemed to authorize a public officer to sanction the defence or institution of any civil or criminal proceeding at the cost of the State in a case in which he is personally concerned. Such cases must be reported to the Government for orders.

(By order of the Governor in Council)

P. APPU NAIR,
Secretary to Government.

To all Departments of the Secretariat.
,, the Hon'ble Chief Justice (with C.L.).
,, all Heads of Departments (including District Magistrates and Sessions Judges).
,, the Accountant-General, Madras.
,, the Advocate-General, Madras.
,, the Government Pleader, Madras.
,, the Crown Prosecutor, Madras.
,, the Public Prosecutor, Madras.
,, the Government Solicitor, Madras.
,, all Government Pleaders and Public Prosecutors in the mufassal.
,, the General Officer Commanding-in-Chief, Southern Command, Poona (with C.L.).
,, the General Officer Commanding, Madras District (with C.L.).

Government of Madras

LEGAL DEPARTMENT

G.O. No. 71, 29th March 1938

Act—Madras Traffic Control Act, 1938—Publication ordered as Madras Act V of 1938.

Order—No. 71, Legal, dated 29th March 1938.

The Madras Traffic Control Act, 1938, will be published in the *Fort St. George Gazette* in English and in the Tamil, Telugu, Malayalam, Kanarese and Hindustani languages, as Madras Act V of 1938.

(By order of His Excellency the Governor)

P. Appu Nair,
Secretary to Government.

To the Superintendent, Government Press.
,, Senior Translator to Government.
,, Education and Public Health Department.
,, Home Department.
,, Secretary, Madras Legislature.
,, Governor's Secretary.

APPENDIX.

The following Act of the Madras Legislature received the assent of His Excellency the Governor-General on the 27th March 1938 and is hereby published for general information :—

ACT No. V OF 1938.

An Act to provide for the control of traffic in public places in the Province of Madras.

Madras Act IV of 1919. Madras Act V of 1920. Madras Act XIV of 1920. VIII of 1914. Madras Act III of 1931

WHEREAS it is expedient to enable the Provincial Government to make provision for the control of traffic in public places in the Province of Madras, and for that purpose further to amend the Madras City Municipal Act, 1919, the Madras District Municipalities Act, 1920, the Madras Local Boards Act, 1920, the Indian Motor Vehicles Act, 1914, in its application to the Province of Madras, and the Madras Motor Vehicles Taxation Act, 1931; It is hereby enacted as follows :—

Short title, extent and commencement.

1. (1) This Act may be called the Madras Traffic Control Act, 1938.

(2) It extends to the whole of the Province of Madras

(3) This section shall come into force at once, and the rest of this Act shall come into force on such date as the Provincial Government may, by notification, appoint.

Definition.

2. In this Act, ' Public place ' means a road, street, way or other place, whether a thoroughfare or not, to which the public are granted access or over which they have a right to pass and includes—

(*a*) in the City of Madras, a public street as defined in clause (20) of section 3 of the Madras City Municipal Act, 1919; **Madras Act IV of 1919.**

(*b*) in a municipality governed by the Madras District Municipalities Act, 1920, a public street as defined in clause (21) of section 3 of that Act; and **Madras Act V of 1920.**

(*c*) in a local area governed by the Madras Local Boards Act, 1920, a public road as defined in clause (18) of section 3 of that Act. **Madras Act XIV of 1920.**

Power of Provincial Government to make rules for the control of traffic.

3. The Provincial Government may, after previous publication, make rules to provide—

(*a*) for the regulation of the use of any public place and the closing thereof or parts thereof; and

(*b*) for the regulation of traffic in any public place or its reservation for particular kinds of traffic.

Penalty for breach of rules.

4. In making any rule under section 3, the Provincial Government may provide that a breach thereof shall be punishable—

(*a*) with fine which may extend to fifty rupees and, in case of a continuing breach, with fine which may extend to fifteen rupees for every day during which the breach continues after conviction for the first breach; or

(*b*) with fine which may extend to ten rupees for every day during which the breach continues after receipt of notice from an officer empowered in that behalf by the Provincial Government, to discontinue such breach.

Amendment of Madras Act IV of 1919.

5. In the Madras City Municipal Act, 1919—

(i) sub-clauses (*b*) and (*c*) of clause (8) of section 349 shall be omitted and sub-clause (*d*) of that clause shall be relettered as sub-clause (*b*); and

(ii) in clause (9) of the same section, after the words " public or municipal places ", the following words shall be added, namely:—

" but not including the regulation of traffic therein, the reservation thereof for particular kinds of traffic, or the closing thereof or parts thereof to traffic."

Amendment of Madras Act V of 1920.

6. In the Madras District Municipalities Act, 1920—

(i) section 174-A shall be omitted;

(ii) in section 306, sub-clauses (*b*) and (*c*) of clause (8) shall be omitted and sub-clause (*d*) of that clause shall be relettered as sub-clause (*b*);

(iii) in the same section, in clause (9), after the words "public or municipal places" the following words shall be added, namely:—

"but not including the regulation of traffic therein, the reservation thereof for particular kinds of traffic, or the closing thereof or parts thereof to traffic."; and

(iv) in Schedules VII and VIII, the entries relating to section 174-A shall be omitted.

7. In the Madras Local Boards Act, 1920— Amendment of Madras Act XIV of 1920.

(i) section 166 shall be omitted;

(ii) in section 202, sub-clauses (*a*) and (*b*) of clause (5) shall be omitted and sub-clause (*c*) of that clause shall be renumbered as clause (5);

(iii) in the same section, in clause (6), after the words "places vested in a local board", the following words shall be added, namely:—

"but not including the regulation of traffic therein, the reservation thereof for particular kinds of traffic, or the closing thereof or parts thereof to traffic."; and

(iv) in Schedules VIII and IX, the entries relating to section 166 shall be omitted.

8. The Indian Motor Vehicles Act, 1914, shall in its application to the Province of Madras, be construed as if the rule-making power conferred by section 11 of that Act extended to the following matters, namely:— Amendment of Act VIII of 1914 in its application to the Province.

"(*a*) The prescription of the conditions subject to which, and the fees (if any) on payment of which, motor vehicles or any class of such vehicles may be used in public places, generally or in any particular public place.

(*b*) The constitution for each district of a transport authority and the prescription of its powers and functions including, in particular, its powers and functions in regard to—

(i) the issue or the authorization of the issue of prescribed permits in respect of motor vehicles or any specified class of motor vehicles, for their use in all, or any, public places in the district;

(ii) the determination of the areas in the district on the routes or public places situated in which, or of the routes or public places in the district on which, motor vehicles or any specified class of motor vehicles may be used; and

(iii) the restriction of the number of motor vehicles or of any specified class of motor vehicles to which permits may be issued in respect of such areas, routes or public places.

(*c*) The constitution of a central transport authority for the Province and the prescription of its powers and functions including, in particular—

(i) its powers and functions in regard to motor traffic extending over the jurisdiction of two or more of the transport authorities referred to in clause (*b*), and the exercise of the powers and functions of, and the control to be exercised over, such authorities in respect of such traffic; and

(ii) its appellate jurisdiction in respect of orders passed by the transport authorities referred to in clause (*b*).

(*d*) The powers of the Provincial Government to control the central transport authority referred to in clause (*c*) and the prescription that the decisions and orders of such authority—

(i) shall not be liable to be questioned in any Civil Court by suit or otherwise; and

(ii) shall be final except in so far as they may be set aside or revised by the Provincial Government.

(*e*) The powers of the Provincial Government to control the transport authorities referred to in clause (*b*) and the prescription that the decisions and orders of such authorities shall not be liable to be questioned in any Civil Court by suit or otherwise.

(*f*) The prescription of a limit of speed in respect of motor vehicles or any specified class of motor vehicles, generally or in any particular public place.

(*g*) The empowering of any authority to limit by general or special order the speed at which motor vehicles or any specified class of motor vehicles may be driven, generally or in any particular public place."

Amendment of Madras Act III of 1931.

9. In the Madras Motor Vehicles Taxation Act, 1931—

(i) In section 2, the following shall be added at the end of clause (iii), namely:—

" and ' motor lorry ' includes a goods vehicle, that is to say, a motor vehicle constructed or adapted for use for the carriage of goods or a motor vehicle not so constructed or adapted which is habitually used for the carriage of goods and not of passengers.

Explanation.—The expression ' goods ' includes merchandise, wares, burden of any description and movable property other than personal luggage."

(ii) in the same section, clause (viii) shall be renumbered as clause (viii-*b*) and the following shall be inserted as clause (viii-*a*), namely :—

VIII of 1914.

" (viii-*a*) ' laden weight ' in relation to a motor vehicle means, in case a permit is issued to the vehicle in pursuance of the rules made by the Provincial Government under the Indian Motor Vehicles Act, 1914, the maximum laden weight specified in such permit, if no such permit is issued, the maximum laden weight specified in the registration certificate of the vehicle, and if such weight is not specified in such certificate, the maximum laden weight of the vehicle determined in such manner as the licensing officer may deem fit.

VIII of 1914.

' laden weight ' in relation to a trailer means, in case a permit is issued to the vehicle to which the trailer is attached in pursuance of the rules made by the Provincial Government under the Indian Motor Vehicles Act, 1914, the maximum laden weight specified in such permit in respect of the trailer, if no such permit is issued, the maximum laden weight specified in respect of the trailer in the registration certificate of the vehicle to which the trailer is attached, and if such weight is not specified in such certificate, the maximum laden weight of the trailer determined in such manner as the licensing officer may deem fit.";

(iii) for sub-section (1) of section 10, the following sub-section shall be substituted, namely :—

" (1) (*a*) From the proceeds of the tax collected under this Act every year, the following credits and payments shall be made in the order mentioned below:—

(i) *Firstly*, there shall be credited to the Provincial Government the expenses of collecting the tax.

(ii) *Secondly*, there shall be credited to the Provincial Government the cost incurred by them in exercising their administrative functions in regard to the control of motor vehicles in the Province.

VIII of 1914.

(iii) *Thirdly*, there shall be credited to the Provincial Government a sum equivalent to the average annual income derived by them during the three years ending on the 31st day of March immediately preceding the commencement of the Madras Traffic Control Act, 1938, from additional fees levied under the Indian Motor Vehicles Act, 1914, on motor vehicles plying on Government roads in the Province.

(iv) *Fourthly*, there shall be paid to each district board and to each municipal council a sum equivalent to the average annual income derived by such board or council during the three years ending on the 31st day of March immediately preceding the commencement of the Madras Traffic Control Act, 1938, from fees on licences granted to motor vehicles under section 166 of the Madras Local Boards Act, 1920, or section 174-A of the Madras District Municipalities Act, 1920, as the case may be. Madras Act XIV of 1920. Madras Act V of 1920.

(v) *Fifthly*, there shall be paid to each local body which at the commencement of this Act was levying tolls or vehicle tax on motor vehicles or both, a sum equivalent to the average annual income derived by such local body during the three years ending on the 31st day of March 1931, from such tolls or vehicle tax on motor vehicles, or both, as the case may be, and there shall also be credited to the Provincial Government a sum equivalent to their average annual income during the said three years from all tolls levied by them in the Province.

(*b*) The Provincial Government shall determine the sums which should be credited to themselves or paid to local bodies under sub-clauses (i) to (v) of clause (*a*), and their determination shall be final.'';

(iv) in sub-section (2) of the same section, for the expression '' sub-section (1) '', the expression '' sub-clause (v) of clause (*a*) of sub-section (1) '' shall be substituted:

(v) for sub-section (3) of the same section, the following sub-section shall be substituted, namely:—

'' (3) If in any year the proceeds of the tax after deducting the sums referred to in sub-clauses (i) to (iv) of clause (*a*) of sub-section (1) fall short of the aggregate of the sums payable to local bodies under sub-clause (v) of the said clause (*a*) and the sum creditable to the Provincial Government under the same sub-clause, such proceeds shall be distributed among the local bodies and the Provincial Government proportionately to the sums determined under clause (*b*) of sub-section (1) as payable to each such local body and as creditable to the Provincial Government, under sub-clause (v) aforesaid, and the deficit shall be made good in the same proportion in the earliest subsequent year or years in which there may be a surplus. '';

(vi) for items 3 and 4 of Schedule II, the following items shall be substituted, namely:—

Classes of vehicles.	Maximum quarterly tax — For vehicles fitted with pneumatic tyres.			Maximum quarterly tax — For other vehicles.		
	RS.	A.	P.	RS.	A.	P.
" 3. Motor lorries—						
(*a*) Lorries not exceeding 20 cwt. in weight, laden	50	0	0	75	0	0
(*b*) Lorries exceeding 20 cwt. but not exceeding 30 cwt. in weight, laden	100	0	0	150	0	0
(*c*) Lorries exceeding 30 cwt. but not exceeding 45 cwt. in weight, laden	120	0	0	180	0	0
(*d*) Lorries exceeding 45 cwt. but not exceeding 60 cwt. in weight, laden	150	0	0	225	0	0
(*e*) Lorries exceeding 60 cwt. but not exceeding 85 cwt. in weight, laden	180	0	0	270	0	0
(*f*) Lorries exceeding 85 cwt. but not exceeding 110 cwt. in weight, laden	220	0	0	330	0	0
(*g*) Lorries exceeding 110 cwt. but not exceeding 150 cwt. in weight, laden	270	0	0	405	0	0
(*h*) Lorries exceeding 150 cwt. but not exceeding 180 cwt. in weight, laden	320	0	0	480	0	0
(*i*) Lorries exceeding 180 cwt. in weight, laden	350	0	0	525	0	0
(*j*) Additional tax payable in respect of lorries used for drawing trailers—						
(i) for each trailer not exceeding 20 cwt. in weight, laden	20	0	0	30	0	0
(ii) for each trailer exceeding 20 cwt. but not exceeding 60 cwt. in weight, laden ..	75	0	0	112	8	0
(iii) for each trailer exceeding 60 cwt. in weight, laden	150	0	0	225	0	0
Provided that two or more lorries shall not be chargeable under this clause in respect of the same trailer.						
4. Motor vehicles plying for hire and used for the transport of passengers—						
(*a*) Vehicles licensed under the rules made by the Provincial Government under the Indian Motor Vehicles Act, 1914, to carry in all not more than five persons	80	0	0	120	0	0
(*b*) Vehicles licensed under the rules made by the Provincial Government under the Indian Motor Vehicles Act, 1914, to carry more than five persons—for every person which the vehicle is so licensed to carry excluding the driver and the conductor	20	0	0	30	0	0";

(vii) for items 3 and 4 of Schedule III, the following items shall be substituted, namely:—

Classes of vehicles.	Maximum tax for vehicles fitted with pneumatic tyres — For a period not exceeding seven days.			Maximum tax for vehicles fitted with pneumatic tyres — For a period exceeding seven days but not exceeding thirty days.			Maximum tax for other vehicles — For a period not exceeding seven days.			Maximum tax for other vehicles — For a period exceeding seven days but not exceeding thirty days.		
(1)	(2)			(3)			(4)			(5)		
	RS.	A.	P.	RS.	A.	P.	RS.	A.	P.	RS.	A.	P.
" 3. Motor Lorries—												
(*a*) Lorries not exceeding 20 cwt. in weight, laden.	8	8	0	25	0	0	12	8	0	37	8	0
(*b*) Lorries exceeding 20 cwt. but not exceeding 30 cwt. in weight, laden.	16	12	0	50	0	0	25	0	0	75	0	0
(*c*) Lorries exceeding 30 cwt. but not exceeding 45 cwt. in weight, laden.	20	0	0	60	0	0	30	0	0	90	0	0
(*d*) Lorries exceeding 45 cwt. but not exceeding 60 cwt. in weight, laden.	25	0	0	75	0	0	37	8	0	112	8	0
(*e*) Lorries exceeding 60 cwt. but not exceeding 85 cwt. in weight, laden.	30	0	0	90	0	0	45	0	0	135	0	0
(*f*) Lorries exceeding 85 cwt. but not exceeding 110 cwt. in weight, laden.	36	12	0	110	0	0	55	0	0	165	0	0
(*g*) Lorries exceeding 110 cwt. but not exceeding 150 cwt. in weight, laden.	45	0	0	135	0	0	67	8	0	202	8	0
(*h*) Lorries exceeding 150 cwt. but not exceeding 180 cwt. in weight, laden.	53	8	0	160	0	0	80	0	0	240	0	0
(*i*) Lorries exceeding 180 cwt. in weight, laden.	58	8	0	175	0	0	87	8	0	262	8	0

Classes of vehicles.	Maximum tax for vehicles fitted with pneumatic tyres. For a period not exceeding seven days.	Maximum tax for vehicles fitted with pneumatic tyres. For a period exceeding seven days but not exceeding thirty days.	Maximum tax for other vehicles. For a period not exceeding seven days.	Maximum tax for other vehicles. For a period exceeding seven days but not exceeding thirty days.
(1)	(2)	(3)	(4)	(5)
	RS. A. P.	RS. A. P.	RS. A. P.	RS. A. P.
(j) Additional tax payable in respect of lorries used for drawing trailers—				
(i) for each trailer not exceeding 20 cwt. in weight, laden.	3 8 0	10 0 0	5 0 0	15 0 0
(ii) for each trailer exceeding 20 cwt. but not exceeding 60 cwt. in weight, laden.	12 8 0	37 8 0	18 12 0	56 4 0
(iii) for each trailer exceeding 60 cwt. in weight, laden.	25 0 0	75 0 0	37 [illegible] 0	112 8 0
Provided that two or more lorries shall not be chargeable under this clause in respect of the same trailer.				
4. Motor vehicles plying for hire and used for the transport of passengers—				
(a) Vehicles licensed under the rules made under the Indian Motor Vehicles Act, 1914, to carry in all not more than four persons.	13 8 0	40 0 0	20 0 0	60 0 0
(b) Vehicles licensed under the rules made under the Indian Motor Vehicles Act, 1914, to carry more than four persons—for every person which the vehicle is so licensed to carry.	3 8 0	10 0 0	5 0 0	15 0 0"

; and

(viii) in item (ii) of sub-section (1) of section 11, after the words ' class of motor vehicles ', the words ' or motor vehicles running in any particular area ', shall be added.

Existing by-laws to continue.

10. Notwithstanding anything contained in this Act, all by-laws relating to any of the matters mentioned in section 3 of this Act which have been made under the Madras City Municipal Act, 1919, the Madras District Municipalities Act, 1920, or the Madras Local Boards Act, 1920, and are in force at the commencement of this Act shall continue to be valid, but any such by-law may be cancelled or altered by a rule made under section 3 aforesaid.

Madras Act IV of 1919. Madras Act V of 1920. Madras Act XIV of 1920.

Repeal of Madras Act V of 1931.

11. The Madras Government Roads Traffic Control Act, 1931, is hereby repealed.

Power to remove difficulties.

12. If any difficulty arises in giving effect to the provisions of this Act or of the Madras City Municipal Act, 1919, the Madras District Municipalities Act, 1920, the Madras Local Boards Act, 1920, the Indian Motor Vehicles Act, 1914, or the Madras Motor Vehicles Taxation Act, 1931, as amended by this Act, the Provincial Government, as occasion may require, may, by order, do anything which appears to them to be necessary for the purpose of removing the difficulty.